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List of Books and Forms required by

SCHOOL BOARDS

UNDER THE ELEMENTARY EDUCATION ACTS.

SHAW & SONS,

FETTER LANE AND CRANE COURT, LONDON, E.C.,

*Printers and Publishers of the Books and Forms of the Local
Government Board.*

The following List of School Board Books and Forms has been carefully revised in accordance with the NEW ORDER OF ACCOUNTS just issued by the Local Government Board, dated July 14, 1880. The favour of early orders is respectfully solicited.

SET OF BOOKS REQUIRED BY
SCHOOL BOARDS HAVING ONLY ONE SCHOOL.

	s.	d.
Minute Book, foolscap hand-made paper, half-bound, with index, lettered and paged 3 quires	8	0
Cash Book, alternative form, half-bound	15	6
Abstract Book, half-bound 1 quire	7	0
School Cash Book, half-bound 1 "	8	0
	<u>£1</u>	<u>18 6</u>

List of the Books and Forms required for keeping the Accounts of
School Boards, with the various Prices.

	s.	d.
"Minute Book." Foolscap, hand-made paper, half-bound, Index, lettered and paged 3 quires	8	6
Ditto, ditto, strongly bound full calf 5 "	18	0
Demy, hand-made paper, half-bound, Index, lettered and paged 3 quires	12	0
Ditto, strongly bound in calf 5 "	24	0
Ditto, ditto... .. 8 "	28	6
Rough Minute Book each	8	6
Ditto, quarter-bound each	6	0

of Books and Forms—continued.

s. d.

Books required under Schedule A.

No. 1.	"Cash Book." (With form of Balance Sheet at end as prescribed by the Education Department). Foolscap folio, superfine paper, half-bound	10	0
	Ditto, smaller size	7	0
	Demy, half-bound 2 quires	11	6
	Ditto, ditto 3 ..	17	6
No. 1a.	"Cash Book." Alternative Form. (With form of Balance Sheet at end as prescribed by the Education Department) Suitable for boards with only one School. (Where this form is used the Ledger and Petty Cash Books are not required)		
	Half-bound 1 quire		
	Ditto, ditto 2 ..		
	Ditto, ditto 3 ..		
No. 2.	"Ledger." Demy folio, best hand-made paper, bound full calf 3 quires	22	0
	Ditto ditto 5 ..	27	6
	Ditto ditto 8 ..	40	0
No. 3.	"Petty Cash Book." Foolscap folio, superfine paper, half-bound... ..	10	0
	Ditto, smaller size	7	0
No. 4.	"Abstract Book." Super-royal quarto, ditto ditto	10	0
	Ditto, smaller size	7	0
No. 5.	"Balance Sheet." (This form is prescribed by the instructions issued by the Education Department.) Foolscap folio, superfine paper per quire	3	0
	In Books, half-bound... .. each	6	0

Schedule B.

No. 5a.	"Financial Statement"		
	Ditto, in books		

Schedule C.

No. 6.	"Treasurer's Account." Foolscap folio, superfine paper, half-bound... ..	10	0
	Ditto, smaller size	7	0

Schedule D.

No. 7.	"School Cash Book." Imperial quarto, superfine paper half-bound	12	0
	Ditto, smaller size	8	0
No. 8.	"School Treasurer's Balance Sheet." Foolscap folio, superfine paper per quire	3	0
	In Books, half-bound... .. each	6	0

[Continued at end of book.]

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THE
Elementary Education Acts,
1870—1880,

WITH NOTES, CASES, INDEX,

AND

APPENDIX

CONTAINING THE INCORPORATED STATUTES, AND
OFFICIAL DOCUMENTS RELATING TO THE ACTS.

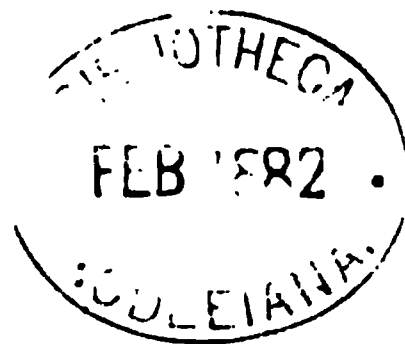
BY

W. CUNNINGHAM GLEN,
BARRISTER-AT-LAW.

SIXTH EDITION.

BY

R. CUNNINGHAM GLEN, B.A., LL.B.,
BARRISTER-AT-LAW.



LONDON :

SHAW & SONS, FETTER LANE AND CRANE COURT,
LONDON PUBLISHERS.

1881.

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PREFACE.

THE Elementary Education Acts are calculated, more than any other statutes of recent times, to elevate the masses of the people, and are the result of many years' continued agitation by the various denominations and political parties, to establish State, as contradistinguished from voluntary and denominational education. The object which the Acts were intended to accomplish, and which it may be said they have accomplished, may be stated in very few words : the placing an elementary school wherever there is a child to be taught, whether of rich or poor parents ; and the compelling, either directly or indirectly, every parent and guardian of a child to cause it to receive at least the rudiments of education, and that without reference to any religious creed or persuasion.

The passing of the Elementary Education Act, 1880, has necessitated the revision of this work, and of the notes to the last edition ; and I venture to hope that the present will continue to meet with the favour that the former editions have met with from school board managers and others interested in the subject of elementary education.

The Act of 1880 has rendered it compulsory on local authorities to make byelaws, in respect of the attendance of children at school, under section 74 of the Act of 1870; and enables school attendance committees for unions to make such byelaws without the requisition of the parishes comprised in the unions. It also authorizes proceedings to be taken under byelaws, notwithstanding that the offence, in respect of which they are taken, may be punishable under sect. 11 of the Act of 1876; and has amended the provisions of the former Acts with regard to the conditions of the continuance of relief out of the workhouse to parents or their children, for the purpose of the education of such children.

The Education Department have issued a New Code of their minutes, dated the 2nd February, 1881, the provisions of which are precisely similar to those of the Code of 1880, with the exception of an alteration in Art. 20, which has been noticed in the present work, and of slight alterations in Arts. 21 (f.) and 122, and the third schedule. It is the intention of the department to simplify the code next year, in order to secure the best results in return for the large annual grants made by parliament, and to subject to the test of experiment some of the important changes contemplated, with a view to effecting that purpose; I have, therefore, considered it unnecessary to include the New Code of 1881 in the present work (a).

The rules and regulations of the Education Department, issued under the Education Acts, and the order as to the forms in which the accounts of school boards shall be kept, with the

(a) Copies of the New Code of 1881 can be obtained of Messrs. Shaw & Sons for a few pence.

instructions of the Education Department in explanation of the order, and also the circular letters of the Local Government Board on the elementary education of pauper children, and numerous orders and circulars issued pursuant to the Education Acts, since the publication of the last edition, are contained in the present edition.

The circular of the Local Government Board drawing the attention of Boards of Guardians to the provisions of the "Elementary Education Act, 1876," so far as they concern the powers and duties of the guardians and of the school attendance committees to be appointed by them under the Act, with respect to the payment of school fees, and the enforcement of attendance at school will be found in the Appendix, in which it has been my endeavour to include everything which has been issued by the Education Department and the Local Government Board, in pursuance of the Education Acts, which may be of practical use.

The full Table of Contents and Index, which this edition contains, afford every facility for readily acquiring a succinct knowledge of the scope of the Acts, as well as a ready reference to each particular subject.

R. C. G.

4, GARDEN COURT, TEMPLE.

April, 1881.

CONTENTS.

	PAGE
THE ELEMENTARY EDUCATION ACT, 1870.	
Preliminary	1
(1) LOCAL PROVISION FOR SCHOOLS	4
Supply of schools	5
Proceedings for supply of schools	9
Management and maintenance of schools by school board ...	13
Miscellaneous powers of school board	29
Constitution of school boards	34
School board in metropolis	43
United school districts	47
Contributory districts	51
Expenses	53
Accounts and audit	61
Defaulting school board	65
Returns and inquiry	68
Public inquiry	73
Attendance at school	74
Miscellaneous	81
(II) PARLIAMENTARY GRANT	96
Annual report of education department... ..	99

FIRST SCHEDULE.

School districts, &c.	100
------------------------------	-----

SECOND SCHEDULE.

First Part.

Rules respecting election and retirement of school board ...	101
--	-----

Second Part.

Rules respecting resolutions for application for school board ...	106
---	-----

Third Part.

Rules for election of school board in the metropolis ...	107
--	-----

THIRD SCHEDULE.

Proceedings of school board ...	109
Proceedings of managers appointed by a school board...	111
Form of precept of school board ...	112

FOURTH SCHEDULE.

School Sites Acts ...	118
-----------------------	-----

FIFTH SCHEDULE.

Divisions of the Metropolis ...	113
---------------------------------	-----

THE ELEMENTARY EDUCATION ACT, 1873.

Preliminary ...	114
Expenses of education ...	114
Elections ...	120
Miscellaneous amendments of 33 & 34 Vict. c. 75 ...	122
Legal proceedings...	130
Definitions and repeal ...	133

FIRST SCHEDULE.

Orders and regulations of the education department relating to elections and applications for school boards ...	135
---	-----

SECOND SCHEDULE.

Rules respecting election of members of a school board ...	136
--	-----

THIRD SCHEDULE.

Proceedings of school board ...	141
---------------------------------	-----

CONTENTS.

ix

PAGE

FOURTH SCHEDULE.

Act repealed	142
--------------	-----	-----	-----	-----	-----	-----	-----

THE ELEMENTARY EDUCATION (ORDERS) ACT, 1874.

Declaring validity of orders in schedule	...	...	...	143
Validity of future orders	...	...	...	144
Schedule—List of Orders	...	...	...	144

THE ELEMENTARY EDUCATION ACT, 1876.

Preliminary	145
-------------	-----	-----	-----	-----	-----	-----

PART I.

Law as to employment and education of children	...	...	146
Industrial school	...	...	157
Day industrial school	...	...	159
Parliamentary grant	...	...	165
Byelaws	...	...	167
Administrative provisions...	...	...	169
Legal proceedings...	...	...	179
Miscellaneous	...	...	181

PART II.

Application of the Act to Scotland	190
------------------------------------	-----	-----	-----	-----

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC, AND PREVIOUS DUE ATTEND- ANCE AT SCHOOL.

For purposes of employment	...	...	...	191
For the purpose of the payment of fees	...	...	...	192
Miscellaneous	...	...	...	194

SECOND SCHEDULE.

Rules as to a local committee	...	...	...	195
Rules as to school attendance committee and local committee	...	...	...	195

Third Part.

Rules for election of school board in the metropolis

THIRD SCHEDULE.

Proceedings of school board
Proceedings of managers appointed by a school board... ..
Form of precept of school board

FOURTH SCHEDULE.

School Sites Acts

FIFTH SCHEDULE.

Divisions of the Metropolis

THE ELEMENTARY EDUCATION ACT, 1873.

Preliminary
Expenses of education
Elections
Miscellaneous amendments of 33 & 34 Vict. c. 75
Legal proceedings... ..
Definitions and repeal

FIRST SCHEDULE.

Orders and regulations of the education department relating to elections and applications for school boards

SECOND SCHEDULE.

Rules respecting election of members of a school board

THIRD SCHEDULE.

Proceedings of school board I & SCHEDULE

12
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THIRD SCHEDULE.

Rule as to election of school board	196
-------------------------------------	-----	-----	-----	-----	-----

FOURTH SCHEDULE.

Acts repealed	196
---------------	-----	-----	-----	-----	-----

APPENDIX.

I. EMPLOYMENT OF CHILDREN IN MANUFACTORIES.

41 VICT. CAP. 16	206
------------------	-----	-----	-----	-----	-----

EMPLOYMENT OF CHILDREN IN COAL MINES.

35 & 36 VICT. CAP. 76	211
-----------------------	-----	-----	-----	-----	-----

II. SCHOOL SITES ACTS.

4 & 5 VICT. CAP. 38.

The School Sites Act, 1841	214
----------------------------	-----	-----	-----	-----	-----

7 & 8 VICT. CAP. 37.

The School Sites Act, 1844	224
----------------------------	-----	-----	-----	-----	-----

12 & 13 VICT. CAP. 49,

The School Sites Act, 1849	227
----------------------------	-----	-----	-----	-----	-----

14 & 15 VICT. CAP. 24.

The School Sites Act, 1851	231
----------------------------	-----	-----	-----	-----	-----

III. CHARITABLE TRUSTS ACTS, 1853 to 1869.

16 & 17 VICT. CAP. 137.

The Charitable Trusts Act, 1853...	232
------------------------------------	-----	-----	-----	-----	-----

18 & 19 VICT. CAP. 124.

The Charitable Trusts Act, 1855	234
---------------------------------	-----	-----	-----	-----	-----

23 & 24 VICT. CAP. 136.

The Charitable Trusts Act, 1860	237
---------------------------------	-----	-----	-----	-----	-----

CONTENTS.

xi

PAGE

25 & 26 VICT. CAP. 112.

The Charitable Trusts Act, 1862 237

32 & 33 VICT. CAP. 110.

The Charitable Trusts Act, 1869 238

IV. THE COMMISSIONERS CLAUSES ACT, 1847.

10 VICT. CAP. 16 239

V. THE DOCUMENTARY EVIDENCE ACT, 1868.

31 & 32 VICT. CAP. 37 245

VI. STATUTES RELATING TO THE AUDIT OF ACCOUNTS.

7 & 8 VICT. CAP. 101 248

12 & 13 VICT. CAP. 103 249, 252

11 & 12 VICT. CAP. 91 250

VII. APPEALS AGAINST ALLOWANCES, DISALLOWANCES, AND SURCHARGES BY AUDITORS.

7 & 8 VICT. CAP. 101 253

11 & 12 VICT. CAP. 91 254

VIII. THE DISTRICT AUDITORS ACT, 1879.

42 VICT. CAP. 6 255

IX. GIFTS OF LAND FOR SCHOOLHOUSES.

34 VICT. CAP. 13 260

X. BOUNDARIES OF METROPOLITAN DIVISIONS.

Order of 7th October, 1870 262

XI. ELECTIONS OF SCHOOL BOARDS.

Regulations as to triennial elections in boroughs 265

Regulations as to first election of school boards in boroughs ... 270

**Regulations as to election for filling up casual vacancies in
boroughs** 274

**Regulations as to passing resolutions for application for school
boards, and the first election of school boards in parishes** 279

Regulations as to triennial elections in parishes 292

	PAGE
Regulations as to election for filling up casual vacancies in a school board in a parish	297
Regulations as to election for casual vacancies in united districts	302
Triennial elections in united districts	303

XII. TRANSFER OF SCHOOLS TO SCHOOL BOARDS.

Minute of 17th July, 1871	304
Circular of Education Department, 1st January, 1872 ...	304
Preliminary letter to schools applying for transfer ...	306
Form of questions	307
Instructions	309
Form of transfer	314

XIII. SCHOOL ATTENDANCE.

Approval of time tables, circular of 31st May, 1871 ...	318
Approval of time tables, circular of 10th August, 1872 ...	319
Certificates to scholars claiming exemption from compulsory attendance at school, circular of 22nd December, 1871 ...	320

XIV. SCHOOL REGISTERS AND THE METHOD OF KEEPING THEM.

Circular of Education Department, July, 1873	324
---	-----

XV. CERTIFIED EFFICIENT SCHOOLS.

Instructions and rules of Education Department	328
Circular letter to H. M.'s inspectors of schools, 8th February, 1877	328

XVI. CERTIFICATES OF AGE, SCHOOL ATTENDANCE, AND PROFICIENCY, AND PAYMENT OF SCHOOL FEES FOR CHILDREN HOLDING HONOUR CERTIFICATES.

Regulations of Education Department	335
Orders of 9th February, 1877, and 2nd April, 1878	335

XVII. REGULATIONS AS TO THE ATTENDANCE AT SCHOOL OF SOLDIERS' AND MARINERS' CHILDREN.

Attendance of soldiers' children at public elementary schools, general order of 12th June, 1878	350
--	-----

CONTENTS.

xiii

PAGE

Regulations as to certificates of proficiency (marine schools), order in council of 14th April, 1880 352
---	------------

XVIII. TEACHERS' PENSIONS.

Minute of Education Department of 26th June, 1875 353
---	------------

XIX. EDUCATION OF OUT-DOOR PAUPER CHILDREN.

Circular of Local Government Board of 30th December, 1873	356
Circular of Local Government Board of 30th March, 1874	... 360
Circular of Local Government Board of 15th February, 1876	... 362
Minute of Education Department of 31st December, 1875	... 363
Certificates granted to teachers by Education Department	... 364
Circular of Local Government Board of 13th March, 1876	... 364
Regulations of Education Department relative to teachers in district or workhouse schools	... . 366

XX. GENERAL ORDER PRESCRIBING FORM OF REQUISITION FOR COPY CERTIFICATE OF BIRTH AND FIXING FEE.

Order of 22nd February, 1877 367
------------------------------	------------

XXI. REGULATIONS AS TO PROCEEDINGS OF GUARDIANS.

General order of 22nd March, 1877	... .. 369
Payment of school fees of non-pauper children, general order of 4th June, 1877	... .. 383
Applications to relief committees, general order of 5th Sep- tember, 1877	... .. 384
Order of 5th September, 1877	... .. 388
Payment of school fees by pay clerks, order of 5th September, 1877	... .. 389
Allowance of school fees by way of loan, general order of 9th January, 1878	... .. 392
Monthly payments to inquiry officers, general order of 7th October, 1879	... .. 394
Circular of Local Government Board of 30th December, 1876	... 400
Regulations as to school attendance committees, general order of 14th April, 1877	... .. 405
General order of 4th June, 1877	... .. 411

	PAGE
School attendance committee—expenses—accounts—circulars of Local Government Board of 15th September, 1877	412, 418
Officers of school attendance committees, monthly payments, general order of 7th October, 1879... ..	416
 XXII. GENERAL ORDER OF LOCAL GOVERNMENT BOARD PRESCRIBING ATTENDANCE AS REGARDS WORKHOUSE SCHOOLS.	
Order of 27th October, 1877	418
Order of Local Government Board as to register of attendance for workhouse schools, of 3rd April, 1878	420
 XXIII. DAY INDUSTRIAL SCHOOLS.	
Order in council of 20th March, 1877	424
Instructions as to applications for certificates for day industrial schools and regulations to be embodied in rules of schools...	452
Recommendations of Secretary of State as to parliamentary grants of 10th April, 1877,	455
Regulations of Secretary of State as to payments by parents of children sent to certified day industrial schools, of 4th January, 1878	459
 XXIV. SCHOOL BOARD AUDITS.	
Circular of Local Government Board of 9th May, 1873 ...	460
District Auditor's Act, 1879, circular of Local Government Board of 12th May, 1879	462
 XXV. ACCOUNTS OF SCHOOL BOARDS.	
Circular of Local Government Board of 27th September, 1879	465
Circular of Local Government Board as to school board accounts order, 1880, of 15th July, 1880	467
School board accounts order, 1880, 14th July, 1880 ...	469
Instructions to school boards in explanation of the general order of the Local Government Board respecting the accounts of school boards and the audit thereof	501
 XXVI. BYELAWS, MODEL FORMS, &C.	
Instructions as to byelaws	511
Forms of byelaws issued by Education Department for school boards... ..	512

CONTENTS.

XV

	PAGE
Form of notice of deposit of byelaws	514
Form of declaration of deposit of byelaws	515
Circular of Education Department to union school attendance committees of 28th August, 1880	516
Instructions as to byelaws	517
Form of byelaws issued by Education Department for union school attendance committees	518

XXVII. RULES TO BE OBSERVED IN PLANNING AND FITTING-UP SCHOOLS.

Rules issued by Education Department	521
---	-----

XXVIII. INSTRUCTIONS OF EDUCATION DEPARTMENT TO THEIR INSPECTORS.

Circular to H. M.'s inspectors of 16th January, 1878	527
---	-----

TABLE OF STATUTES.

	PAGE		PAGE
43 Eliz. c. 2, s. 1 ...	100	7 & 8 Vict. c. 101, s. 36	63, 249
_____ s. 6 ...	3	_____ s. 39 ...	63
5 & 6 W. & M. c. 11 ...	38	_____ s. 42 ...	33
8 & 9 Will. 3, c. 33 ...	38	8 Vict. c. 18 ...	19, 23
5 Geo. 2, c. 19, ss. 2, 3 ...	38	_____ s. 16 ...	19
13 Geo. 2, c. 18, s. 5 ...	38	_____ s. 150 ...	19
58 Geo. 3, c. 69 ...	4, 84	8 & 9 Vict. c. 118, s. 34 ...	18
_____ s. 3 ...	3	10 Vict. c. 16 ...	239
_____ s. 5 ...	3	_____ ss. 75, 88 ...	58
59 Geo. 3, c. 85 ...	84	10 & 11 Vict. c. 16 ...	57
2 Will. 4, c. 45, s. 36 ...	16	11 & 12 Vict. c. 43	39, 95, 133
4 & 5 Will. 4, c. 76, s. 15 ...	120		203
_____ s. 109 ...	133	_____ s. 11 ...	252
5 & 6 Will. 4, c. 33, ss. 1, 2	38	_____ c. 91, s. 4 ...	63
_____ c. 76 ...	2		137, 254
_____ s. 48 ...	100	_____ s. 5	63, 251
_____ s. 69 ...	107	_____ s. 8	63, 250
_____ s. 92 ...	100	_____ s. 9	63, 64
6 & 7 Will. 4, c. 86 ...	170		250
1 Vict. c. 45 ...	3, 84	12 & 13 Vict. c. 49	113, 227
_____ s. 3 ...	3	_____ c. 94 ...	44
2 & 3 Vict. c. 84, s. 1 ...	174	_____ c. 103, s. 9 ...	63
3 & 4 Vict. c. 77, s. 25 ...	83		64, 252
4 & 5 Vict. c. 38 ...	113, 214	_____ s. 10	64
_____ ss. 17, 18	87	_____ s. 11	63
5 & 6 Vict. c. 57, s. 8 ...	38		249
7 Vict. c. 15, s. 15 ...	169	14 & 15 Vict. c. 24	113, 231
7 & 8 Vict. c. 37 ...	113, 224	_____ c. 105, s. 3 ...	92
_____ c. 101, s. 32	63, 64	16 & 17 Vict. c. 65 ...	84
	248	_____ s. 1 ...	3
_____ s. 33	63, 64	_____ c. 134 ...	18
	249	_____ c. 137	24, 84, 232
_____ s. 35	63, 248	17 & 18 Vict. c. 102 ...	92

TABLE OF STATUTES.

xvii

	PAGE
18 & 19 Vict. c. 34	16, 114
———— c. 120	... 1
———— s. 16	45
———— s. 158	100
———— s. 172	46
———— s. 173	46
———— s. 174	46
———— c. 124	24, 234
19 & 20 Vict. c. 116	... 2
21 & 22 Vict. c. 98, s. 82...	95
23 & 24 Vict. c. 106	19, 23
———— c. 136	24, 237
25 & 26 Vict. c. 102, s. 8...	46
———— s. 12	46
———— s. 13	46
———— c. 112	24, 237
28 & 29 Vict. c. 108, s. 8...	100
29 & 30 Vict. c. 90, s. 49...	67
———— c. 113, s. 18	2
———— c. 118	... 198
———— s. 5...	33
————	155
———— s. 12	30
————	126
———— s. 14	41
————	156, 157
———— s. 15	41
————	156
———— s. 16	42
————	155, 156
———— s. 17	42
————	156
———— s. 27	157
———— s. 39	155
———— s. 40	155
30 Vict. c. 6, s. 66	... 100
30 & 31 Vict. c. 1	... 44
———— c. 6	... 120
———— c. 84, s. 26	16
———— c. 102, s. 40	16

	PAGE
30 & 31 Vict. c. 106, s. 27	178
———— c. 146, s. 14	76
————	196
———— s. 15	196
31 & 32 Vict. c. 37	... 245
———— s. 2	86
————	245
———— c. 122, s. 30	85
32 & 33 Vict. c. 18	19, 23
———— c. 41, s. 19...	3
———— c. 55, s. 1...	34
———— s. 9...	45
———— c. 56, s. 7...	82
———— s. 8...	82
———— ss. 9-30	83
———— c. 67, s. 32	46
———— s. 68	85
———— c. 102, s. 22	100
———— s. 37	60
———— c. 110	24, 238
33 & 34 Vict. c. 48	... 77
———— c. 75	... 1
———— c. 97	... 170
34 Vict. c. 13	... 260
———— s. 4	... 35
34 & 35 Vict. c. 12	... 157
———— c. 112	... 157
———— s. 14	42
35 & 36 Vict. c. '21, s. 7...	31
———— s. 8...	31
———— s. 9...	32
———— c. 27, s. 1...	18
———— s. 2...	18
————	61, 124
———— s. 3	18, 61
———— c. 33	... 139
———— s. 3	... 61
————	89, 90
———— s. 4	89, 90
———— s. 6	... 18

	PAGE		PAGE
35 & 36 Vict. c. 33, s. 11	89, 90	39 & 40 Vict. c. 61, s. 4	188
_____ s. 14	138	_____ s. 14	4
_____ s. 24	89, 91		140
_____ c. 59, s. 1	103	_____ c. 79	145
_____ c. 76	149, 211	_____ s. 21	205
_____ s. 8	211	_____ s. 22	205
_____ ss. 4—7	211	_____ s. 51	205
_____ s. 8	211	_____ s. 52	205
_____ s. 9	212	_____ sch. 1,	
_____ s. 10	212	_____ par. 3	205
_____ s. 11	213	_____ par. 6	205
_____ s. 12	211		
	213	40 Vict. c. 31, s. 36	34
36 & 37 Vict. c. 36	137	40 & 41 Vict. c. 60, s. 6	80
_____ c. 67	196	_____ s. 7	80
_____ s. 6	115	41 Vict. c. 16	147, 203, 206
_____ c. 86	114	_____ s. 23	206
_____ sch. 2	4	_____ s. 24	207
_____ c. 87, s. 8	82	_____ s. 25	208
37 Vict. c. 9, s. 2	124	_____ s. 26	208
37 & 38 Vict. c. 39	4, 34	_____ s. 77	208
_____ c. 47, s. 2	32	_____ s. 83	209
_____ c. 88	170	_____ s. 84	209
_____ s. 29	196	_____ s. 85	210
_____ c. 90	143	_____ s. 95	210
38 Vict. c. 23	40	_____ s. 107	149, 188
38 & 39 Vict. c. 58	158	42 Vict. c. 6	63, 64, 255
_____ c. 83	58, 124	_____ s. 2	62, 258
_____ c. 84	18	_____ s. 8	62, 258
_____ c. 89	124, 199	_____ s. 11	62, 258
_____ s. 9	58	42 & 43 Vict. c. 48	197
39 & 40 Vict. c. 61, s. 1	2, 125	43 & 44 Vict. c. 15	41, 157
		_____ c. 23	200

TABLE OF CASES.

	PAGE		PAGE
Attorney-General v. Parker	45	Reg. v. Dudley School	
Austin v. Bethnal Green ...	35	Board	122
Bettison, <i>In re</i>	18	Reg. v. Finnis	63
Bradley v. Sylvester ...	40	Reg. v. Gaunt	94
Burnham National Schools,		Reg. v. Ingall	94
<i>Ex parte</i> Bates... ..	28	Reg. v. Sankey 12, 91, 186, 189	
Bury v. Cherryholm	76, 116	Reg. v. Sir Charles Reed 53, 123	
Church v. Imperial Gas		Reg. v. Thomas	106
Light Company... ..	35	Reg. v. Turmine	106
Clark v. School Board for		Richardson v. Saunders 76, 159	
London	19	Rochdale v. Rochdale ...	57
Cyfoeth-y-Brenin v. The		School Board for London v.	
Overseers	57	Faulconer	27, 126
Darlington Union, <i>In re</i> ...	116	School Board for London v.	
	184	Greenwich	57
Eaton v. Basker	35	School Board for London v.	
Hance v. Burnett	75	Harvey	154
Jones, <i>Re</i>	101	School Board of London,	
Lincolnshire, Justices of, <i>In</i>		<i>Ex parte, Re</i> Murphy	80,
<i>re</i> Gaunt	94	153, 189, 203	
Ludlow, Mayor of, v. Charl-		School Board of Sunderland	
ton	35	v. Sunderland, Mayor of	57
Mellish, <i>Ex parte</i>	137	Shelley School Board v.	
Mellor v. Denham... ..	77, 203	Shelley, Overseers of	54, 57
Morgan v. Haycock	153, 189	Swansea v. Swansea ...	57
National Society v. School		Tanfield v. Reynolds ...	39
Board for London ...	28	Tudhoe, <i>Re</i>	40
Poplar and Blackwall Free		Turnbull v. Welland ...	94
School, <i>In re</i>	26	West Bromwich School	
Queen v. West Derby,		Board, <i>In re</i>	38
Overseers of	159	Wigtown Burgh Election	
Reg. v. Birmingham, Town		Petition, 1874	140
Council of	56	Woodward v. Sarsons ...	139

THE ELEMENTARY EDUCATION ACTS.

38 & 84 VICT. CAP. 75.

*An Act to provide for Public Elementary Education in
England and Wales.* [9th August, 1870.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows ; (that is to say,)

PRELIMINARY.

Short title.

1. This Act may be cited as "The Elementary Education Act, 1870."

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Definition of terms.

3. In this Act—

The term "metropolis" means the places for the time being within the jurisdiction of the metropolitan board of works under the Metropolis Management Act, 1855 :

For the parishes and places within the jurisdiction of the metropolitan board of works. See 18 & 19 Vict. c. 120, Schs. (A.), (B.), and (C).

The divisions mentioned in the fifth schedule to this Act are the parliamentary divisions of the metropolis for the purpose of the election of members of parliament. The division of which each parish forms part is shown in the table ; but it will be seen that the parishes and places named embrace a larger area than the parliamentary divisions. This,

2 THE ELEMENTARY EDUCATION ACT, 1870.

however, is now rectified by the order of the education department, dated the 7th October, 1870, see the Appendix, *post*, p. 262.

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," and the Acts amending the same :

Schedules (A.) and (B.) of the 5 & 6 Will. 4, c. 76, contain the names of the municipal boroughs subject to the Act. But since that Act many new boroughs have been created under it by charter.

The term "parish" means a place for which for the time being a separate poor rate is or can be made :

The definition of the word "parish," in 29 & 30 Vict. c. 113, s. 18, is "a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed." Of course neither definition applies to an ecclesiastical district. As to parishes divided by boundaries of boroughs, see section 77, and 36 & 37 Vict. c. 86, s. 12, *post*.

As to divided parishes, see 36 & 37 Vict. c. 86, s. 12, *post*, and 39 & 40 Vict. c. 61, s. 1.

The term "person" includes a body corporate :

The term "education department" means "the lords of the committee of the privy council on education :"

The Lord president of the Council and the Vice-President of the Committee on Education (19 & 20 Vict. c. 116, and order in council, 25th July, 1856), constitute the "education department."

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the education department :

This definition will not include inspectors of workhouse schools who are appointed by the local government board.

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them :

Under the New Code of 1881, Art. 15 (c), the term managers includes :—(1.) The school board of any district. (2.) The managers of a school appointed by a school board under section 15 of the Education Act, 1870. (3.) The managers of any other public elementary school.

Further, as to "managers," see sections 15, 21, 23 and 24, *post*.

The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school :

The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child :

This definition of the word "parent" will include "the father and grandfather, and the mother and grandmother," of any child, see 43 Eliz. c. 2, s. 6, and will apply to the parent of an illegitimate child.

The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week :

A workhouse school is not an elementary school within this definition. See section 7, *post*, as to the regulations for the conduct of public elementary schools.

The term "schoolhouse" includes the teachers' dwelling-house, and the playground (if any), and the offices and all premises belonging to or required for a school :

The term "vestry" means the ratepayers of a parish meeting in vestry according to law :

That is, every inhabitant who shall by the last rate which shall have been made for the relief of the poor have been assessed and charged upon in respect of any annual rent, profit, or value (58 Geo. 3, c. 69, s. 3), and who shall not have refused or neglected to pay any such rate which shall be due from and shall have been demanded of him (58 Geo. 3, c. 69, s. 5), except such rates which shall have been made or become due within three calendar months immediately preceeding the vestry meeting (16 & 17 Vict. c. 65, s. 1). See also 1 Vict. c. 45 as to notice of vestry meetings. The notice must be signed by a churchwarden or by the rector, vicar, or curate, or by an overseer of the parish. (*Id.* s. 3.)

The term "ratepayer" includes every person who, under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated :

The Poor Rate Assessment and Collection Act (32 & 33 Vict. c. 41), by sect. 19, enacts that the overseers in making out the poor rate shall in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier,

4 THE ELEMENTARY EDUCATION ACT, 1870.

enter in the occupiers' column of the rate book the name of the occupier of every rateable hereditament, and such occupier shall be deemed to be duly rated provided that any occupier whose name has been omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating in the same manner as if his name had not been so omitted.

The term "ratepayer," will of course include females who are "duly rated." Under the Vestries Act, 58 Geo. 3, c. 69, they, as well as males, are entitled to vote in vestry. Females as well as males are qualified for election on school boards.

With regard to the register of ratepayers who are entitled to vote. It will be seen from 36 & 37 Vict. c. 86, sch. 2, *post*, that every ratepayer whose name appears in the rate made more than one month previously shall be entitled to vote, unless he is disqualified, and that no person shall be entitled to vote whose name does not so appear.

By 39 & 40 Vict. c. 61, s. 14, "No person shall be entitled to vote in the election of a guardian or in the election to an office under the provisions of any statute, who shall be in the receipt of relief given to himself or his wife or child, or who shall have been in receipt of such relief on any day during the year last preceding such election." This, it is considered, applies to the election of members of a school board.

The term "parliamentary grant" means a grant made aid of an elementary school either annually or otherwise, out of moneys provided by parliament for the civil service, intituled "For Public Education in Great Britain."

See the New Code of 1881 as to the parliamentary grant.

(I.) LOCAL PROVISION FOR SCHOOLS.

School districts, &c., in schedule.

4. For the purposes of this Act the respective districts, boards, rates and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

The school districts are—

1. The metropolis (see sect. 37 and the first schedule, *post*).
2. Every borough (see sect. 29, *post*), excepting Wenlock (see 37 & 38 Vict. c. 89) and Oxford.
3. The district of the local board of Oxford (see sect. 93, *post*),

4. Parishes not included in any of the above-mentioned districts.
See the first schedule, *post*.

SUPPLY OF SCHOOLS.

School district to have sufficient public schools.

5. There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as hereinafter defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act.

See section 7, *post*, which defines what public elementary schools shall be. And it will be seen that 39 & 40 Vict. c. 79, s. 12, *post*, provides for schools being certified as efficient though they are not public elementary schools.

Supply of schools in case of deficiency.

6. Where the education department, in the manner provided by this Act, are satisfied and have given public notice that there is an insufficient amount of public school accommodation for any school district, and the deficiency is not supplied as hereinafter required, a school board shall be formed for such district and shall supply such deficiency, and in case of default by the school board the education department shall cause the duty of such board to be performed in manner provided by this Act.

See sections 8 and 9, *post*, as to the action of the education department, and section 9 as to the supply of a deficiency of school accommodation without the intervention of a school board.

As to the action of the education department when a school[board] are in default, see sections 63-66, *post*.

Regulations for conduct of public elementary school.

7. Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance

6 THE ELEMENTARY EDUCATION ACT, 1870.

with the following regulations (a copy of which regulations shall be conspicuously put up in every such school); namely,

- (1.) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs :

See sections 14, 74 (2) and 76, *post*, as to religious education.

This sub-section applies also to certified day industrial schools. See Art. 23 of the Order of 20th March, 1877, in the Appendix, p. 443.

- (2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the education department, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school :

See also sections 14, and 74, *post*, as to religious education. The child, though withdrawn from religious instruction, is not necessarily to be withdrawn from the school if secular instruction can be given at the same time. It rests with the school board or managers to fix the periods of religious instruction. It appears that the committee of council on education, on the 7th of February, 1871, with reference to the provisions of this section resolved:—(1) That the time-table of each public elementary school shall be submitted to the inspector of the district, at his first visit to the school after the 30th of April, 1871. (2) That the inspector shall enter on every time-table which fulfils the requisite conditions, "Approved on behalf of the Education Department," with his signature and the date of his visit. (3) That the

inspector may approve any time-table which, while conforming to section 7 (No. 2) of the Education Act in respect of the time or times appointed for religious observances or instruction, sets apart for instruction in secular subjects at least two consecutive hours at each morning and afternoon meeting, and one hour and a-half at each evening meeting of the school. (4) That the inspector shall not express any opinion as to the time or times appointed for religious observances, or instruction, or as to the nature of such instruction, but shall confine himself to seeing that the prescribed amount of time is secured for secular instruction. (5) That before signing the time-table the inspector shall satisfy himself; (a) that a copy of the regulations contained in section 7 of the Education Act is conspicuously put up in the school; (b) that the time-table is printed, or written, in distinct characters, and that sufficient copies of it are provided to be put up in every schoolroom; (c) that if the school premises admit of it, the children withdrawn by their parents from religious observances or instruction receive, by themselves, instruction in secular subjects during the time or times set apart for religious instruction or observances. (6) That the inspector, at any visit which he pays to a school without notice, shall report to the education department if he finds that the work of the school is not being carried on according to the approved time-table, or that the time-table itself is not exhibited in every schoolroom. (7) That if any five parents or guardians of scholars for the time being attending a school make complaint in writing to the education department that a time-table, approved by the inspector, is not in accordance with this minute, the education department, on receiving such complaint, shall make such inquiry and order in the matter as they may think fit.

The resolution of the 7th of February, 1871, relating to the approval of time-tables, was, however, modified by a minute of the 2nd of April, 1878, as follows:—

“ 1. That the time-table of each public elementary school shall be submitted to the inspector of the district at every visit he pays to the school. 3. That the inspector may approve any time-table which, while conforming to section 7 (2) of the Elementary Education Act, 1870, in respect of the time or times appointed for religious observances or instruction, sets apart at each meeting of a school, for the instruction in secular subjects of each class or division of the school, at least the amount of time prescribed by Article 23 of the Code. 3 (a.) Provided that at each meeting of a school instruction in secular subjects is continuously given for the prescribed time, by or under the personal supervision of the principal teacher, and that there is a class-room attached to the school; a time-table may be approved which provides for religious instruction (in accordance with the provisions of section 7, and in board schools of section 14 (2), of the Act of 1870,) being given in the class-room to separate classes or divisions of the school, either at the beginning or end of the meeting; and the time of secular instruction need not be the same for the whole school. 3 (b.) If there is no class-room attached to a school, the time for secular instruction must be the same for the whole school.”

8 THE ELEMENTARY EDUCATION ACT, 1870.

See also instructions to the school inspectors with reference to these resolutions and to alterations in time-tables in Appendix, pp. 318, 319.

In a circular letter issued to the inspectors on the 16th of January, 1878, the education department state:—"It should never be forgotten that a child withdrawn from the whole or part of the religious teaching or observances of a school, should in no way be subjected to disparaging treatment on account of his parent having thought fit to avail himself of his statutory right in this matter. But, on the other hand, in your communications respecting the arrangements of the time-tables, you will remember that you have no right to interfere in any way with the liberty allowed by statute to managers of providing for religious teaching and observances at the beginning and end of two daily school meetings. In your allusions to this subject and to the conscience clause, you will be most careful not to lead managers or teachers to suppose that the complete provision which has now been made by the legislature for protecting the rights of conscience, as an essential part of a system of compulsory attendance, and the limitation of the necessary examination by Her Majesty's inspectors to secular subjects, imply that the State is indifferent to the moral character of the schools, or in any way unfriendly to religious teaching."

It will further be noticed that section 7 of 39 & 40 Vict. c. 79, *post*, renders it the duty of school boards and school attendance committees to report to the education department any infraction of the provisions of this section in any public elementary school within their district which may come to their knowledge, and also to forward to the department any complaint which they may receive of the infraction of these provisions.

- (3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book :

The instructions issued by the education department to their inspectors will be found in the Appendix, p. 527.

- (4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant :

As to the conditions referred to in this sub-section see section 97, *post*, and the minute of the committee of council on education approving of time-tables, *ante*, p. 7.

See 39 & 40 Vict. c. 79, s. 7, *post*, as to the duty of the local authority

to report to the education department any infraction of the provisions of this section.

With reference to schools being under certificated teachers, the education department say that the Elementary Education Act, 1873, is (section 2) to be construed as one with the Elementary Education Act of 1870, and the 7th section of this latter (the principal) Act contains the definition of a public elementary school. By sub-section 4 of section 7, it is provided that a public elementary school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant. These conditions are stated in the order of the education department, and one of them is that the school shall be under the charge of a certificated teacher.

For the regulations as to the attendance of soldiers' children at public elementary schools, see the Appendix, p. 350.

PROCEEDINGS FOR SUPPLY OF SCHOOLS.

Determination by education department of deficiency of public school accommodation.

8. For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the education department shall, immediately after the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so doing they shall take into consideration every school, whether public elementary or not, and whether actually situated in the school district or not, which in their opinion gives, or will when completed give, efficient elementary education to, and is, or will when completed be, suitable for the children of such district.

See sections 67-72, *post*, as to returns, and also 36 & 37 Vict. c. 86, s. 19, which enables the department to appoint persons to make the returns.

Notice by education department of public school accommodation required.

9. The education department shall publish a notice of their decision as to the public school accommodation for any school district, setting forth with respect to such district the description thereof, the number, size, and description of the

10 THE ELEMENTARY EDUCATION ACT, 1870.

schools (if any) available for such district, which the education department have taken into consideration as above mentioned, and the amount and description of the public school accommodation, if any, which appears to them to be required for the district, and any other particulars which the education department think expedient.

If any persons being either—

(1.) Ratepayers of the district, not less than ten, or if less than ten being rated to the poor rate upon a rateable value of not less than one-third of the whole rateable value of the district, or,

(2.) The managers of any elementary school in the district, feel aggrieved by such decision, such persons may, within one month after the publication of the notice, apply in writing to the education department for, and the education department shall direct, the holding of a public inquiry in manner provided by this Act.

See note, *ante*, p. 3, as to the word "ratepayers."

See section 73, *post*, as to public inquiries.

As to the rateable value of the district, see section 79, *post*.

As to publishing notices, see 36 & 37 Vict. c. 86, s. 20, *post*.

At any time after the expiration of such month, if no public inquiry is directed, or after the receipt of the report made after such inquiry, as the case may be, the education department may, if they think that the amount of public school accommodation for the district is insufficient, publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and directing that the public school accommodation therein mentioned as required be supplied.

The Act does not indicate who is to supply the public school accommodation on the direction of the education department. It seems that the department is to give a direction that it be supplied, and if the direction be not complied with, that the school board shall be formed. See, however, the next section.

Section 41, *post*, provides for uniting school districts.

Formation of school board and requisition to provide schools.

10. If after the expiration of a time, not exceeding six months, to be limited by the final notice, the education

department are satisfied that all the public school accommodation required by the final notice to be supplied has not been so supplied, nor is in course of being supplied with due despatch, the education department shall cause a school board to be formed for the district as provided in this Act, and shall send a requisition to the school board so formed requiring them to take proceedings forthwith for supplying the public school accommodation mentioned in the requisition, and the school board shall supply the same accordingly.

See section 29, *et seq.*, *post*, as to the constitution of school boards; and as to the election of school boards, see section 81.

Proceedings on default of school board.

11. If the school board fail to comply with the requisition within twelve months after the sending of such requisition in manner aforesaid, they shall be deemed to be in default, and if the education department are satisfied that such board are in default they may proceed in manner directed by this Act with respect to a school board in default.

See sections 63–66, *post*, as to defaulting school boards.

Formation of school boards without inquiry upon application.

12. In the following cases (that is to say),

(1.) Where application is made to the education department with respect to any school district by the persons who, if there were a school board in that district, would elect the school board, or with respect to any borough, by the council;

(2.) Where the education department are satisfied that the managers of any elementary school in any school district are unable or unwilling any longer to maintain such school, and that if the school is discontinued, the amount of public school accommodation for such district will be insufficient,

the education department may, if they think fit, without making the inquiry or publishing the notices required by this Act before the formation of a school board, but after such inquiry, public or other, and such notice as the educa-

12 THE ELEMENTARY EDUCATION ACT, 1870.

tion department think sufficient, cause a school board to be formed for such district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice.

An application for the purposes of this section may be made by a resolution passed by the said electing body after notice published at least a week previously, or by the council, and the provisions of the second part of the second schedule to this Act with respect to the passing of such resolution shall be observed.

As to this section, see the limitation as to time in 36 & 37 Vict. c. 86, s. 9, *post*. By section 11 of that Act, the provisions of this section extend to authorize the education department to form a united school district.

See section 29, *et seq.*, *post*, as to the constitution of school boards, and also section 93, as to Oxford.

See section 9, *ante*, as to inquiries by the education department, and as to the publication of a final notice, see the same section.

As to the dissolution of school boards, see 39 and 40 Vict. c. 79, s. 41, *post*.

See the regulations of the education department, *post*, p. 279, as to the passing of resolutions for applications for school boards. The Ballot Act of 1872 is not applied, by Sched. 11 of 36 & 37 Vict. c. 86, to the voting upon a resolution for application for a school board under this section. *Reg. v. Sankey*, L. R. 3 Q. B. D. 379; 47 L. J. M. C. 96; 42 J. P. 709.

Proceedings by education department after the first year.

13. After the receipt of any returns under this Act subsequently to the first with respect to any school district, and after such inquiry as the education department think necessary, the education department shall consider whether any and what public school accommodation is required in such district in the same manner as in the case of the first returns under this Act, and where in such district there is no school board acting under this Act they may issue notices and take proceedings in the same manner as they may after the receipt of the first returns under this Act, and where there is a school board in such district they shall proceed in manner directed by this Act.

As to returns under the Act, see section 8, *ante*, and see section 9, *ante*, as to public school accommodation. This section enables the

education department from time to time to review the school accommodation required for any district.

As to returns, see also sections 67—72, *post*, and 36 & 37 Vict. c. 86, s. 19, *post*.

MANAGEMENT AND MAINTENANCE OF SCHOOLS BY SCHOOL BOARD.

Management of school by school board.

14. Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:

- (1.) The school shall be a public elementary school within the meaning of this Act:

See the definition of "elementary schools," *ante*, p. 8, and also section 7, *ante*.

- (2.) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

See section 74 (2) as to the withdrawal of children from attendance on any religious observance or instruction in religious subjects.

As to the power of a school board to accept gifts for educational purposes, see 36 & 37 Vict. c. 86, s. 13, *post*.

The following resolutions with reference to *religious instruction, prayers, and hymns*, in schools provided by the school board for London have been passed by that board:—1. That in the schools provided by the board the Bible shall be read, and there shall be given such explanations and such instruction therefrom in the principles of morality and religion as are suited to the capacities of children; provided always, (a) that in such explanations and instruction the provisions of the Act in sections 7 and 14 be strictly observed, both in letter and in spirit, and that no attempt be made in any such schools to attach children to any particular denomination; (b) that in regard to any particular school the board shall consider and determine upon any application by managers, parents, or ratepayers of the district, who may show special cause for exemption of the school from the operation of this resolution, in whole or in part. 2. That such explanations and instructions as are recognized by the foregoing resolution shall be given by the responsible teachers of the school. 3. That in accordance with the general practice of existing elementary schools, provision may be made for offering prayer and using hymns in schools provided by the board at the "time or times" when, according to section 7, sub-section 2, of the "Elementary Education Act," "religious observances" may be "practised." 4. That

14 THE ELEMENTARY EDUCATION ACT, 1870.

the arrangements for such "religious observances" be left to the discretion of the teacher and managers of each school, with the right of appeal to the board by teachers, managers, parents, or ratepayers of the district; Provided always, that, in the offering of any prayers and in the use of any hymns, the provisions of the Act in sections 7 and 14 be strictly observed, both in letter and in spirit, and that no attempt be made to attach children to any particular denomination. 5. That during the time of religious teaching or religious observance, any children withdrawn from such teaching or observance shall receive separate instruction in secular subjects. 6. That a copy of sections 7 and 14 of the Elementary Education Act, 1870, and also of the regulations 1, 2, 3, and 4, must be hung up in a conspicuous part of the schoolroom. 7. That a syllabus of subjects of Bible instruction for one month in advance must be prepared by the teacher and forwarded to the clerk of the board at the beginning of each month.

The same school board have also laid down the following rules with regard to corporal punishment:—(1) Every occurrence of corporal punishment must be formally recorded in a book kept for the purpose. (2) Head teachers must exercise the utmost caution in inflicting corporal punishment so as never to strike a child on any part of the head, either with the hand or with any instrument whatsoever. (3) Corporal punishment must not be inflicted during school hours. The name of any child to be punished shall be put down, and the cases of corporal punishment be dealt with at a particular time set apart for the purpose. Head teachers may inflict immediate corporal punishment in exceptional cases which, in their judgment, require such a course, but a special report of each case must be made by them in the punishment book, giving in full the reasons for departing from the ordinary rule of the board. (4) Assistant teachers and pupil teachers are absolutely prohibited from inflicting such punishment. The head teacher is held directly responsible for every punishment of the kind.

Appointment of managers by school board.

15. The school board may, if they think fit, from time to time delegate any of their powers under this Act except the power of raising money, and in particular may delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than three persons.

The school board may from time to time remove all or any of such managers and within the limits allowed by this section add to or diminish the number of or otherwise alter the constitution or powers of any body of managers formed by it under this section.

Any manager appointed under this section may resign on giving written notice to the board. The rules contained in the third schedule to this Act respecting the proceedings of bodies of managers appointed by a school board shall be observed.

As to definition of term "managers," see section 3, *ante*, p. 2. See also sections 21, 23, and 24, and schedule 3, *post*.

Neglect by board of regulations of public elementary schools.

16. If the school board do or permit any act in contravention of or fail to comply with the regulations according to which a school provided by them is required by this Act to be conducted, the education department may declare the school board to be and such board shall accordingly be deemed to be a board in default, and the education department may proceed accordingly, and every act or omission of any member of the school board, or manager appointed by them, or any person under the control of the board, shall be deemed to be permitted by the board, unless the contrary be proved.

If any dispute arises as to whether the school board have done or permitted any act in contravention of or have failed to comply with the said regulations, the matter shall be referred to the education department, whose decision thereon shall be final.

As to school boards in default, see sections 63—66, *post*.

This section, it will be seen, practically confers upon the education department supreme authority with regard to elementary schools, which cannot be questioned, seeing that there is no appeal from the decision of the department.

Fees of children.

17. Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the school board, with the consent of the education department, but the school board may from time to time, for a renewable period not exceeding six months, remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty

16 THE ELEMENTARY EDUCATION ACT, 1870.

to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

See section 74 (3), *post*, as to byelaws in respect of the remission of school fees, and 43 & 44 Vict. c. 23, s. 5, as to education being condition of relief to parents of children.

The 2 Will. 4, c. 45, s. 36, disqualifies persons in the receipt of parochial relief from being registered as voters for any city or borough; and by 30 & 31 Vict. c. 102, s. 40, the same disqualification applies to counties also. Hence the provision in the latter part of this section, which is similar to that in the 30 & 31 Vict. c. 84, s. 26, with regard to vaccination at the cost of the poor rates.

Relief is now for the most part *union* and not parochial relief.

Under 18 & 19 Vict. c. 34, the guardians could grant relief for the purpose of enabling poor persons lawfully relieved out of the workhouse to provide education for their children; but now see 36 & 37 Vict. c. 86, s. 3, *post*, repealed by 39 & 40 Vict. c. 79, s. 52, *post*, but adapted by 39 & 40 Vict. c. 79, s. 40.

Money prizes being in effect a remission of fees, are not allowed to be given by school boards.

Where a school board proposed to make a fixed charge of one penny a week upon every child attending the school, the education department, stated: "In ordinary cases it seems to be more consistent with the intention and spirit of the Act that the school board should exercise that power, than that they should weaken the sense of parental obligation by throwing open a school indiscriminately to all comers on the payment of a fee suited only to the very poorest class of the community."

It is competent to a school board, with the sanction of the education department, to allow a reasonable deduction from the weekly fees where such fees are paid quarterly in advance.

As to the prepayment of school fees, the education department have made the following statement:—

"My lords approve of the rule requiring the payment of school fees in advance. It is the usual practice, gives parents an interest in securing the regular attendance of their children, and is the most certain and economical mode of collecting this part of the school income. It rests with each board to determine whether they will require prepayment as a condition of a child's admission to a school. If they do so, my lords will assist the board in maintaining the rule by not regarding the refusal of admission to a child who does not bring the school fee in advance as a violation of Article 17 (a) of the New Code; but it must be distinctly understood that the board will take such measures as shall prevent the rule from having the effect of depriving children of education. For this purpose the teacher should report every case in which that rule is enforced to the board, who should, without delay, either (1) satisfy themselves of the parent's inability through poverty to pay the fee, and remit it under section 17 of the Elementary Education Act of 1870; or (2) take proceedings under their byelaws to enforce the child's attendance, on the condition—payment of the school fee—provided by the 17th section. If, on the other hand, the board admits

scholars without prepayment, they must either, if the school fee is not paid when it becomes due, remit such fee on the score of the parent's poverty, or proceed against him for its recovery. In any event the education department consider themselves bound to take such steps as they may find necessary to secure that in every board school the statutory obligations of the Act of 1870 are duly discharged by both school boards and parents before any annual grant is made on behalf of such school."

For the regulations as to the payment of fees in respect of the attendance of soldiers' children at public elementary schools, see the Appendix, p. 350.

Maintenance by school board of schools and sufficient school accommodation.

18. The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in their opinion, necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the education department that the school to be discontinued is unnecessary, or that such change of site is expedient.

If at any time the education department are satisfied that a school board have failed to perform their duty, either by not maintaining or keeping efficient every school provided by them, or by not providing such additional school accommodation as in the opinion of the education department is necessary in order to supply a sufficient amount of public school accommodation in their district, the education department may send them a requisition requiring them to fulfil the duty which they have so failed to perform; and if the school board fail within the time limited by such requisition, not being less than three months, to comply therewith to the satisfaction of the education department, such board shall be deemed to be a school board in default, and the education department may proceed accordingly.

See sections 63-66, *post*, as to school boards in default, and note to section 16, *ante*.

As to the sale, leasing, or change of sites of schools, see sections 22, 78, and also section 24.

Powers of school board for providing schools.

19. Every school board for the purpose of providing sufficient public school accommodation for their district, whether

18 THE ELEMENTARY EDUCATION ACT, 1870.

in obedience to any requisition or not, may provide, by building or otherwise, schoolhouses properly fitted up, and improve enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

By reference to section 96, *post*, it will be seen that no application for parliamentary grants in aid of building elementary schools could be received after 31st December, 1870.

The law officers of the Crown (*Baggally* and *Holker*) advised that a school board may with the view of maintaining the efficiency of a public elementary school, vote a portion of their funds to the purchase of books for prizes, under 33 & 34 Vict. c. 75.

Under special circumstances a faculty was granted for the erection of a school on a portion of a parish churchyard closed for burials by order in council. The circumstances here were that no other suitable site could be found, the churchyard was closed for burials under 16 & 17 Vict. c. 134, in 1856. Very few burials had since taken place therein, and none in ground on which it was proposed to build the school. There had at no time been many burials in the ground, and none, it was believed, since 1828. There were no tombs or monuments on the proposed site. The education department had approved the site conditionally on a medical certificate of its healthiness being given: *In re Bettison*, L. R. 4 A. & E. 294.

By 8 & 9 Vict. c. 118, s. 34, a valuer appointed for the inclosure of a common may allot land for the site of any school, or garden to be attached thereto.

As to the provision of school board offices, see 39 & 40 Vict. c. 79, s. 42, *post*.

By 35 & 36 Vict. c. 27, s. 1, *post*, this section extends to any offices required by the school board for London, by section 2, the provisions of sects. 57, 58, *post*, are extended to offices for the school board of London, and by section 3 the term offices includes all necessary conveniences and appurtenances.

As to the use of school rooms for the purpose of voting at parliamentary elections, see the Ballot Act, 35 & 36 Vict. c. 33, s. 6, also 38 & 39 Vict. c. 84.

The consent of the education department is not necessary where a school board hire or lease premises under this section which are private property. The application of the produce of the sale of parish property to defray the costs of establishing public elementary schools has been sanctioned by the local government board in several cases. The London school board have made provisions for the hiring of board school rooms on weekday evenings and on Sunday, but they are not to be let for political purposes or for other than Sunday school purposes on Sundays.

Compulsory purchase of sites.

20. With respect to the purchase of land by school boards for the purposes of this Act the following provisions shall have effect; (that is to say,)

Regulations as to the purchase of land compulsorily.

- (1.) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land :

The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, are the following: 8 Vict. c. 18; 23 & 24 Vict. c. 106; 32 & 33 Vict. c. 18.

The provision relating to access to the principal Act is contained in section 150 of 8 Vict. c. 18, and would be inapplicable to the subject of the present Act; hence its exclusion.

The words "any right over land" would include an easement over land, such as a right of way required by the school board to obtain access to their school premises; and this they could acquire under the Act, without purchasing the land itself.

A school board are not entitled to build their school building so as to interfere with the light and air to which an adjoining proprietor is entitled, leaving such adjoining proprietor to claim compensation under section 68 of the Lands Clauses Act. If they do so they may be restrained by injunction: *Clark v. School Board of London*, 28 L. T. (N.S.) 657. But this was overruled on appeal, the court holding that the school board is entitled to build in such a way as they may, in their discretion, think proper, upon giving compensation under the Lands Clauses Act to persons injuriously affected either by the obstruction of light or in any other manner. S. C. 29 L. T. (N.S.) 903; L. R. 9 Ch. App. 129; 38 J. P. 101.

- (2.) The school board, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

As to these powers, see section 16, *et seq.*, of 8 Vict. c. 18.

Publication of notices.

- (a.) Publish, during three consecutive weeks in the months of October and November, or either of them, a notice describing shortly the object for which the land is proposed to be taken naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

See 36 & 37 Vict. c. 86, s. 20, *post*, as to the mode of publishing notices. See also 39 & 40 Vict. c. 79, s. 34, *post*.

Service of notices.

- (b.) After such publication, serve a notice in manner mentioned in this section on every owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

- (c.) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person :

Petition to education department.

- (8.) Upon compliance with the provisions contained in this section with respect to notices the school board may, if they think fit, present a petition under their

seal to the education department, praying that an order may be made authorizing the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the education department may from time to time require :

See section 30 (1), *post*, as to the incorporation of the school board and their common seal.

- (4.) If, on consideration of the petition and proof of the publication and service of the proper notices, the education department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry :

As to public inquiries, see section 73, *post*.

- (5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the education department may make the order prayed for, authorizing the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the school board to serve a copy of any order so made in the manner and upon the persons in which and upon

22 THE ELEMENTARY EDUCATION ACT, 1870.

whom notices in respect of the land to which the order relates are required by this Act to be served :

Duplicate copies of the order will doubtless be supplied by the education department for service; the copy will be served according to the previous sub-section (2), sub-division (c).

No order valid until confirmed by parliament.

- (6.) No order so made shall be of any validity unless the same has been confirmed by Act of parliament; and it shall be lawful for the education department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of parliament :

The Act, together with the principal Act, shall now be deemed to be "The Special Act." See 36 & 37 Vict. c. 86, s. 15, *post*.

- (7.) The education department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively :

Costs how to be defrayed.

- (8.) All costs, charges, and expenses incurred by the education department in relation to any order under this section shall, to such amount as the commissioners of Her Majesty's treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the education department as aforesaid, shall become a charge upon the school fund of the district to which such order relates, and be repaid to the said commissioners of Her Majesty's treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said commis-

sioners, or allowance of such costs, charges, and expenses respectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

See sections 53-55 as to the school fund.

The School Sites Acts as defined in the fourth schedule to this Act shall apply in the same manner as if the school board were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act.

The Acts referred to in the latter part of this section as being mentioned in the section are the Lands Clauses Consolidation Act, 1845 and the Acts amending the same.

The School Sites Acts will be found in the Appendix, *post.* pp. 214-231.

Purchase of land by manager of public elementary school.

21. For the purpose of the purchase by the managers of any public elementary school of a school-house for such school, or a site for the same, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same (except so much as relates to the purchase of land otherwise than by agreement), shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean such managers, and land shall be construed to include any right over land.

The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts, or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever.

Land may be acquired under the Acts incorporated with this section, or under the School Sites Acts, or any of them, or partly under one and partly under another Act.

24 THE ELEMENTARY EDUCATION ACT, 1870.

Any persons desirous of establishing a public elementary school shall be deemed to be managers for the purpose of this section if they obtain the approval of the education department to the establishment of such school.

It will be seen that this section has reference to the purchase of schools and sites by the managers of public elementary schools; section 20 has reference to the purchase of land by school boards.

As to the incorporated Lands Clauses Acts, see note to section 20 (1), *ante*.

Sale or lease of school house.

22. The provisions of the Charitable Trusts Acts, 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board, with this modification, that the education department shall for the purposes of this section be deemed to be substituted in those Acts for the charity commissioners.

The provisions referred to of the Charitable Trusts Acts are contained in 16 & 17 Vict. c. 187, 18 & 19 Vict. c. 124, 23 & 24 Vict. c. 136, 25 & 26 Vict. c. 112, and 32 & 33 Vict. c. 110. They will be found in the Appendix, *post*, pp. 232-238. Further, with reference to this section and those Acts, see section 78, *post*.

Managers may transfer school to school board.

28. The managers of any elementary school in the district of a school board may, in manner provided by this Act, make an arrangement with the school board for transferring their school to such school board, and the school board may assent to such arrangement.

An arrangement under this section may be made by the managers by a resolution or other act as follows; (that is to say,)

- (1.) Where there is any instrument declaring the trusts of the school, and such instrument provides any manner in which or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of such instrument:

(2.) Where there is no such instrument, or such instrument contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the education department to have been usual for a resolution or act binding such managers to be passed or done :

(3.) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the question, and with the assent of any other person whose assent under the circumstances appears to the education department to be requisite.

And in every case such arrangement shall be made only—

(1.) With the consent of the education department ;
and,

(2.) If there are annual subscribers to such school, with the consent of a majority, not being less than two-thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question.

The following resolutions with regard to applications for the transfer of elementary schools to school boards to be adopted by the Committee of Council on Education on the 17th of July, 1871 :

“1. In the case of premises held under a trust, express or implied, the following rules shall be observed:—

(1.) All questions relating to the title of the parties to the proposed arrangement, or affecting the subject-matter upon which it is to operate, must be considered and settled by the legal advisers of the parties, and will not be investigated by the Education Department.

(2.) In considering whether any proposed arrangement should be approved, the Department will confine their attention to ascertaining that the terms of such arrangement are, in their opinion, proper and reasonable, and the approval expressed in any case will be limited accordingly.

(3.) As to the terms of the arrangement, no payment of rent beyond that charged upon or reserved out of the premises by the original lease, and no other valuable consideration, except an undertaking to insure and keep the premises in repair, and to keep down or redeem charges or incumbrances on the same will in general be sanctioned.

26 THE ELEMENTARY EDUCATION ACT, 1870.

“11. Arrangements with respect to schools which are private property must be settled by the proprietors of the premises and the school boards, under section 19 of the Act, and do not require the intervention of the department.”

In settling a scheme for the regulation of the funds of a charity school on its transfer to a school board, it would appear that care should be taken to provide that the funds shall be applied for the advancement of learning in the school—as, for instance, by establishing exhibitions or scholarships—and not for the general purposes of the school, which would have the effect of a grant in aid of the local rates. *In re Poplar and Blackwall Free School*, L. R. 8 Ch. D. 543.

A question will here arise as to who is an “annual subscriber.” Will one who is in arrear with one or more annual subscriptions have a right to be present and vote, or will as many as like to come forward and pay only one annual subscription have a like right? Perhaps, however, it may be found that the instrument, if there be one, declaring the trusts of the school, defines who shall be deemed annual subscribers.

Provided that where there is any instrument declaring the trusts of the school, and such instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided.

Where it appears to the education department that there is any trustee of the school who is not a manager, they shall cause the managers to serve on such trustee, if his name and address are known, such notice as the education department think sufficient; and the education department shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

The education department shall consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any person who has contributed to the establishment of such school.

After the expiration of six months from the date of transfer the consent of the education department shall be conclusive evidence that the arrangement has been made in conformity with this section.

An arrangement under this section may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any

person who is trustee for them or for the school, or for the lease of the same, with or without any restrictions, and either at a nominal rent or otherwise, to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

The scheme for the regulation of an undenominational elementary school provided that the trustees of an annuity of 90*l.* should pay it to the treasurer for the benefit of the school, "or any other school that may be established in its stead," and also provided "that if any such school shall not at any time hereafter fall substantially within the description of school within the terms of such grant, or become materially altered in discipline, number of children, or other circumstances," the annuity might be applied "in the discretion of the trustees for educational purposes amongst other schools of a similar character" in the parish. The school in question was transferred to the school board for London, and, as managed by that board, was one for boys and girls (the original school having been for boys only), the board intended to apply the annuity towards prizes and scholarships, enabling the scholars to take the benefit of more advanced schools, though it was admitted that there was no law to prevent the board applying the annuity towards the support of other schools in the metropolis. The school board for London were held entitled to be paid the annuity of 90*l.*, the school not having, by the fact of such transfer, become "materially altered in discipline, number of children, or other circumstance." *School Board for London v. Faulconer*, L. R. 8, Ch. Div. 571; W. N. 1878, p. 141; 26 W. R. 652. See also 36 & 37 Vict. c. 86, s. 13, *post*.

When an arrangement is made under this section the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for them or the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Nothing in this section shall authorize the managers to transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where

28 THE ELEMENTARY EDUCATION ACT, 1870.

any person has any right given him by the trusts of the school to use the school for any particular purpose independently of such managers, nothing in this section shall authorize any interference with such right except with the consent of such person.

Every school so transferred shall, to such extent and during such times as the school board have under such arrangement any control over the school, be deemed to be a school provided by the school board.

The following is important as regards the transfer of National Society schools:—That society was in the habit of granting money towards the establishment of elementary schools, and the trust deed of every school in union with the society contained a clause declaring that the school “should always be in union with and conducted according to the principles, and in furtherance of the ends and designs” of the society; and one of the terms of union was that the children should “be instructed in the Holy Scriptures, and in the liturgy of catechism of the Established Church.” The society assisted in establishing a school, and the usual trust deed was executed, which did not contain any provision as to any future alienation of the school, or as to any consent thereto. Under these circumstances it was held that the school might be transferred to a school board under the Elementary Education Act, 1870, without the consent of the society, and that the proper mode for the society to give effect to any objections to a transfer was by appearing before the education department: *National Society v. The School Board for London*, 31 L. T. (N.S.) 22; L. R. 18 Eq. 608; W. N. 1874, p. 158.

The majority of two-thirds of the school trustees required by section 23 of the Elementary Education Act anticipates any objection to the transfer of a school whose trustees are required to be members of the Established Church: *Re Burnham National Schools, Ex parte Bates*, 29 L. T. (N.S.) 495; L. R. 17 Eq. 241.

For the instructions and documents issued by the education department with regard to the transfer of schools, see Appendix, pp. 304–317.

Re-transfer of school by school board to managers.

24. Where any school or any interest therein has been transferred by the managers thereof to the school board of any school district in pursuance of this Act, the school board of such district may, by a resolution passed as hereinafter mentioned, and with the consent of the education department, re-transfer such school or such interest therein to a body of managers qualified to hold the same under the trusts

of the school as they existed before such transfer to the school board, and upon such re-transfer may convey all the interest in the school-house and in any endowment belonging to the school vested in the school board.

A resolution for the purpose of this section may be passed by a majority of not less than two-thirds of those members of the school board who are present at a meeting duly convened for the purpose, and vote on the question.

The education department shall not give their consent to any such re-transfer unless they are satisfied that any money expended upon such school out of a loan raised by the school board of such district has been or will on the completion of the re-transfer be repaid to the school board.

Every school so re-transferred shall cease to be a school provided by a school board, and shall be held upon the same trusts on which it was held before it was transferred to the school board.

As to the borrowing powers of the school board, see note to section 57 and section 58, *post*; see also 36 & 37 Vict. c. 86, s. 10.

Section 76, *post*, provides for the inspection of voluntary schools.

MISCELLANEOUS POWERS OF SCHOOL BOARD.

Payment of school fees.

25. *The school board may, if they think fit, from time to time, for a renewable period not exceeding six months, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent.*

Section 25 of the 33 & 34 Vict. c. 75, is now repealed by 39 & 40 Vict. c. 79, s. 52, *post*, and also by section 10 of the same Act. See also 43 & 44 Vict. c. 23, s. 5, *post*, as to education being condition of relief to parents of children

Establishment of free school in special cases.

26. If a school board satisfy the education department that, on the ground of the poverty of the inhabitants of any

30 THE ELEMENTARY EDUCATION ACT, 1870.

place in their district, it is expedient for the interests of education to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the education department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

"The poverty of the inhabitants" contemplated is the poverty of those inhabitants whose children are likely to attend the elementary school. It may be that there are many wealthy inhabitants, but that nevertheless the poverty of the others may require that a free school shall be provided at which their children may attend. The word "place" is mentioned, and this means any particular locality in the district of the school board in which the very poor do congregate.

Contribution to industrial schools, 29 & 30 Vict. c. 118.

27. A school board shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866;" and upon the election of a school board in a borough the council of that borough shall cease to have power to contribute under that section.

For the powers of a school board to contribute towards the establishment and maintenance of industrial schools, see the order in council of the 20th March, 1877, in the Appendix, p. 424.

These powers have been extended by 42 & 43 Vict. c. 48; see *post*.

An undertaking has been entered into by the London school board to pay to the managers of certain certified industrial schools in respect of every child sent to the school by the board "during the period of his detention therein, or until the withdrawal or resignation of the certificate of the school, or until the contribution out of money provided by parliament towards the custody and maintenance of children detained in the school is discontinued (whichever shall first happen), such a sum of money as will with the sum of money from time to time contributed per week by the commissioners of Her Majesty's treasury in respect of the same child, make up the total sum of seven shillings per week."

Section 12 of the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118) is as follows:—"In England a prison authority may from time to time contribute such sums of money, and on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified industrial school, or towards the support of the inmates of such a school, or towards the management of such a school, or towards the establishment or building of a school intended to be a certified industrial school, or towards the purchase of land required either for the use of an exist-

ing certified industrial school, or for the site of a school intended to be a certified industrial school; provided,

First, that not less than "fourteen days" (36 & 37 Vict. c. 86, s. 14, *post*) previous notice of the intention of the prison authority to take into consideration the making of such contribution, at a time and place to be mentioned in such notice, be given by advertisement in some one or more public newspaper or newspapers circulated within the district of the county or borough, and also in the manner in which notices relating to business to be transacted by the prison authority are usually given.

Secondly, that where the prison authority is the council of a borough, the order for the contribution be made at a special meeting of the council.

Thirdly, that where the contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the secretary of state be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.

See also section 36 of this Act, *post*, as to the appointment of an officer to cause children to be sent to an industrial school, and section 13 of 39 & 40 Vict. c. 79, *post*, as to duty of local authorities to take proceedings for sending children to industrial schools.

The Industrial Schools Act, 1872 (35 & 36 Vict. c. 21), extends the powers of a prison authority under section 12 of the Act of 1866, as follows:

"Whereas by section 12 of the Industrial Schools Act, 1866, it is provided that 'a prison authority in England may from time to time *contribute* such sums of money, and on such conditions, as they think fit, towards the alteration, enlargement, or rebuilding of a certified industrial school, or towards the support of the inmates of such school, or towards the management of such a school, or towards the establishment or building of a school intended to be a certified industrial school, or towards the purchase of land required either for the use of an existing certified industrial school, or for the site of a school intended to be a certified industrial school, subject to the provisos therein contained: Be it enacted that the said section shall extend to authorize the prison authority themselves to *undertake* anything towards which they are authorized by that section to *contribute*; and the Industrial Schools Act, 1866, shall be construed as if in the said section, so far as it relates to England, the expressions 'contribute towards' and 'contribution' included respectively 'undertake' and 'undertaking'; and the expenses of a prison authority in England incurred in pursuance of this section shall be defrayed accordingly" (section 7).

"Whereas by section 27 of the Elementary Education Act, 1870, it is enacted that, upon the election of a school board in a borough, the council of that borough shall cease to have power to contribute under section 12 of the Industrial Schools Act, 1866: Be it enacted that the said enactment shall extend to all powers conferred on a prison authority by this part of this Act, and the date at which the power of a prison

30 THE ELEMENTARY EDUCATION ACT, 1870.

place in their district, it is expedient for the interests of education to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the education department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

“The poverty of the inhabitants” contemplated is the poverty of those inhabitants whose children are likely to attend the elementary school. It may be that there are many wealthy inhabitants, but that nevertheless the poverty of the others may require that a free school shall be provided at which their children may attend. The word “place” is mentioned, and this means any particular locality in the district of the school board in which the very poor do congregate.

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For the powers of a school board to contribute towards the establishment and maintenance of industrial schools, see the order in council of the 20th March, 1877, in the Appendix, p. 424.

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ing certified industrial school, or for the site of a school intended to be a certified industrial school; provided,

First, that not less than "fourteen days" (36 & 37 Vict. c. 86, s. 14, *post*) previous notice of the intention of the prison authority to take into consideration the making of such contribution, at a time and place to be mentioned in such notice, be given by advertisement in some one or more public newspaper or newspapers circulated within the district of the county or borough, and also in the manner in which notices relating to business to be transacted by the prison authority are usually given.

Secondly, that where the prison authority is the council of a borough, the order for the contribution be made at a special meeting of the council.

Thirdly, that where the contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the secretary of state be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.

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"Whereas by section 27 of the Elementary Education Act, 1870, it is enacted that, upon the election of a school board in a borough, the council of that borough shall cease to have power to contribute under section 12 of the Industrial Schools Act, 1866: Be it enacted that the said enactment shall extend to all powers conferred on a prison authority by this part of this Act, and the date at which the power of a prison

32 THE ELEMENTARY EDUCATION ACT, 1870.

authority of a borough, who have during not less than six months before the election of a school board in such borough contributed to or maintained any industrial school, ceases in pursuance of the said enactment, shall be and be deemed always to have been the date at which the school board in the borough resolve, in the manner and with the approval (if any) provided by section 12 of the Industrial Schools Act, 1866, to contribute, in pursuance of that section, to the industrial school to which the prison authority have so contributed, or as the case may be, resolve, under the provisions of and with the consent required by the Elementary Education Act, 1870, to maintain such industrial school; provided that any such industrial school which was so maintained by the prison authority may, notwithstanding any such resolution, continue to be maintained by the prison authority, unless they agree to transfer such school to the school board" (section 8).

"A prison authority in England may contribute towards the ultimate disposal of any inmate of a certified industrial school established by such authority in pursuance of this part of this Act, and the expenses incurred by a prison authority in England in pursuance of this section shall be deemed to be expenses incurred by such authority in carrying into effect the provisions of the Industrial Schools Act, 1866" (section 9).

By 39 & 40 Vict. c. 79, s. 16, *post*, a school board is given the same powers with regard to a certified day industrial school as they have with regard to a certified industrial school.

The "Prisons Authorities Act, 1874" (37 & 38 Vict. c. 47), further enacts (section 2) that "subject to the provisions of the Elementary Education Act, 1870, any prison authority may, with the approval of one of Her Majesty's principal secretaries of state, borrow money for the purpose of defraying or contributing towards the expense of altering, enlarging, re-building, establishing, building, or purchasing the site of any industrial school under the Industrial Schools Acts." By section 3 "any moneys borrowed by a prison authority under that Act may be charged by that authority on any county rate, or rate in the nature of a county rate, borough rate, or other rate applicable to the maintenance of a prison, and leviable by that authority, or on any other property belonging to that authority and applicable to the same purpose as the said rates, and shall be repaid together with the interest due thereon out of such rates or other property." The clauses of the Commissioners Clauses Act, with the exception of clause 84, are incorporated, and the moneys raised by loans are to be repaid within thirty years.

As to the enlargement, &c., of schools, see also 42 & 43 Vict. c. 48, *post*, p. 198.

Establishment of industrial school.

28. A school board may, with the consent of the *education department*, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act,

1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's principal secretaries of state in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

For powers of school boards to establish and maintain industrial schools, see the order in council of the 20th March, 1877, in the Appendix, p. 424.

Section 5 of the 29 & 30 Vict. c. 118, describes an industrial school and the managers thereof, as follows:—"A school in which industrial training is provided, and in which children are lodged, clothed, and fed, as well as taught, shall exclusively be deemed an industrial school within the meaning of this Act.

"The persons for the time being having the management or control of such a school shall be deemed the managers thereof, for the purposes of this Act."

A district school established under 7 & 8 Vict. c. 101, s. 42, would not be an industrial school within the meaning of the Education Acts.

The powers of a school board for the purpose of providing sufficient school accommodation for their district are contained in sections 19, 20, and 22, *ante*.

The Industrial Schools Act, 1866, must be referred to generally for the powers and authorities of the secretary of state under it. The law officers of the crown have given it as their opinion that where the rules of a certified industrial school provide that children on their first reception should be placed in separate confinement for a time, such rules exceed in severity what may be taken to have been contemplated for a certified industrial school under the Industrial Schools or Elementary Education Acts, and that children should not be committed to what would virtually be a prison without the distinct authority of parliament. Further, with regard to industrial schools see 39 & 40 Vict. c. 79, ss. 12-14, *et seq.*, *post*. By section 15 the consent of one of Her Majesty's principal secretaries of state, and not of the education department, is required.

Further with regard to this section, see 39 & 40 Vict. c. 79, s. 15, *post*.

The powers of school boards with regard to industrial schools, and with regard to contributing towards the undertaking, the cost of the alteration, enlargement, or re-building of industrial schools have been extended by 42 & 43 Vict. c. 48, see *post*.

34 THE ELEMENTARY EDUCATION ACT, 1870.

CONSTITUTION OF SCHOOL BOARDS.

School board.

29. The school board shall be elected in manner provided by this Act—in a borough by the persons whose names are on the burgess roll of such borough for the time being in force, and in a parish not situate in the metropolis by the ratepayers.

The first part of schedule 2, *post*, provides for the mode of election. As regards elections by "ratepayers," see note, *ante*, p. 3; and as to Oxford, see section 93, *post*.

For the qualifications of burgesses, see 32 & 33 Vict. c. 55, s. 1.

The regulations of the education department as to the election of school boards in boroughs, and by the ratepayers, are in the Appendix, p. 265.

For the purposes of the Elementary Education Act, 1870, the municipal borough of Much Wenlock shall not be declared to be a borough, and the elections of school boards within that borough shall take place and be conducted in the manner and under the regulations in such Act provided for a parish: 37 & 38 Vict. c. 89.

The borough of Nottingham, as extended by 40 Vict. c. 31, is by section 36 of that Act constituted a school district for the purposes of the Elementary Education Acts.

No qualification is prescribed by the Act for a candidate for election as a member of a school board. Females, as well as males, whether householders or not, and non-residents as well as residents, are eligible for election. The orders of the education department with regard to elections require that a candidate shall be of "full age." See also section 34, *post*, as to certain disqualifications; and section 91, *post*, and 36 & 37 Vict. c. 86, s. 8, as to disqualification by conviction for corrupt practices.

Under the new code, Art. 15 (*b*), teachers of public elementary schools "cannot be recognized by the department on the staff of any school to which grants are made, if they are members or officers of school boards."

The Local Government Board have refused to assent to a relieving officer acting as a member of a school board.

At every such election every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit.

This is a mode of voting whereby all the votes can be given for one candidate. It has been generally abandoned in voting in charitable

societies, and is quite opposed to the system of voting in vestry and in the election of guardians of the poor.

The school board in the metropolis shall be elected in manner hereinafter provided by this Act.

See section 37, *post*, as to the election of the school board in the metropolis.

Constitution of school board.

80. With respect to the constitution of a school board the following provisions shall have effect :

- (1.) The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without any licence in mortmain :

In *Austin v. Bethnal Green*, L. R. 9 C. P. 94, 43 L. J. (N.S.) C. P. 100; W. N. 1874, p. 14, COLERIDGE, C. J., with regard to contracts of a corporation under seal, said :—The rule of law is clear that *prima facie* and for general purposes, a corporation can only contract under seal ; for the proper legal mode of authenticating the act of a corporation is by means of its seal. On this rule, however, certain exceptions have been engrafted. The principle that governs these exceptions is conveniently stated in *Church v. Imperial Gaslight Company*, 6 A. & E. 846, by the Court of Queen's Bench, which statement is adopted by the Court of Exchequer in the case of *Mayor of Ludlow v. Charlton*, 6 M. & W. 815. It is there stated that, "wherever to hold the rule applicable would occasion very great inconvenience, or tend to defeat the very object for which the corporation was created, the exception has prevailed—hence the retainer by parol of an inferior servant, the doing of acts very frequently recurring or too insignificant to be worth the trouble of affixing the common seal are established exceptions."

And in the recent case of *Eaton v. Basker*, L. J. Notes of Cases of 23rd April, 1881, p. 58, reversing the decision of the Court of Exchequer, L. R. 6 Q. B. D. 201 ; 50 L. J. Exch. 194, it was held that a contract of an urban authority, to come within the rule, must exceed 50*l.* at the time of making it, and that at that time it must have been incapable of being performed under that sum.

The name of a united school district is to be such as may be prescribed by the education department : see section 45, *post*.

The Public Parks, Schools, and Museums Act, 1871 (34 Vict. c. 18, s. 4), in the Appendix, *post*, exempts gifts and bequests of land from the Mortmain Acts.

- (2.) No act or proceeding of the school board shall be questioned on account of any vacancy or vacancies in their body :

36 THE ELEMENTARY EDUCATION ACT, 1870.

There must, nevertheless, be a quorum of members present according to the third schedule, *post*, article 1, sub-section (e).

- (8.) No disqualification of or defect in the election of any persons or person acting as members or member of the school board shall be deemed to vitiate any proceedings of such board in which they or he have taken part, in cases where the majority of members parties to such proceedings were duly entitled to act :

The majority of members present duly entitled to act, and parties to the proceedings must however constitute a quorum of members.

- (4.) Any minute made of proceedings at meetings of the school board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the school board, in respect to the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act :

Further as to this see 36 & 37 Vict. c. 86, sch. 3, *post*.

The district auditor having disallowed a sum charged in the accounts of a school board for printing the minutes of the board, the Local Government Board stated on an appeal to them, that where a school board deemed it necessary to print their minutes, they did not consider that the expense of doing so was unlawful, the printing of the minutes being a matter within the discretion of the school board.

- (5.) The members of a school board may apply any money in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them :

Practically, therefore, the members will incur no personal responsibility in respect of the execution of their powers ; but such responsibility will attach if they act *ultra vires*, that is, beyond their statutory powers. But see section 60, sub-section (6), *post*.

- (6.) The rules contained in the third schedule to this Act with respect to the proceedings of school boards,

and the other matters therein contained, shall be observed.

See also 36 & 37 Vict. c. 86, sch. 3.

Election of school board.

81. With respect to the election under this Act of a school board, except in the metropolis, the following provisions shall have effect :

- (1.) The number of members of a school board shall be such number, not less than five nor more than fifteen, as may be determined in the first instance by the education department, and afterwards from time to time by a resolution of the school board approved by the education department.
- (2.) The regulations contained in the second schedule to this Act with respect to the election and retirement of the members of the school board, and the other matters therein contained, shall be of the same force as if they were enacted as part of this section.
- (3.) The education department may, at any time after the date at which they are authorized under this Act to cause a school board to be formed, send a requisition to the mayor or other officer or officers who have power to take proceedings for holding the election requiring him or them to take such proceedings, and the mayor or other officer or officers shall comply with such requisition ; and in case of default some person appointed by the education department may take such proceedings, and shall have for that purpose the same powers as the person in default.

As to the formation of school boards see section 10, *ante*, and as to school boards in default see sections 63 and 66, *post*.

Non-election, &c., of school board.

82. If from any cause in any school district the school board either are not elected at the time fixed for the first election, or at any time cease to be in existence, or to be of

38 THE ELEMENTARY EDUCATION ACT, 1870.

sufficient number to form a quorum by reason of non-election, resignation or otherwise, or neglect or refuse to act, the education department may proceed in the same manner as if there were a school board acting in such district, and that board were a board in default.

And as to school boards in default, see section 63-66, *post*, and note to section 16, *ante*.

Determination of disputes as to the election of school boards.

88. In case any question arises as to the right of any person to act as a member of a school board under this Act, the education department may, if they think fit, inquire into the circumstances of the case, and make such order as they deem just for determining the question, and such order shall be final unless removed by writ of *certiorari* during the term next after the making of such order.

As to this section, see the limitation as to time in 36 & 37 Vict. c. 86, s. 9, *post*.

With regard to the writ of *certiorari*, see 5 & 6 Will. and M. c. 11; 8 & 9 Will. 3, c. 33; 5 Geo. 2, c. 19, ss. 2, 3; 13 Geo. 2, c. 18, s. 5, and 5 & 6 Will. 4, c. 33, ss. 1, 2.

But see section 84, *post*, as to the legal effect of requisitions of the education department, and also section 44.

See the correlative provision in 5 & 6 Vict. c. 57, s. 8. *Quo warranto*, it would seem, would lie notwithstanding, as in the case of a guardian of the poor.

The election of a person as member of a school board cannot be questioned by petition under the Corrupt Practices (Municipal) Act, 1872, the proper mode of proceeding being by appeal to the education department under this section. *In re West Bromwich School Board*, L. R. 5 C. P. D. 191; 49 L. J. C. P. 641; 28 W. R. 766.

The vice-president of the privy council, in reply to a question in the House as to why the council declined to act under this section, stated that the section gave power to the education department to inquire into the matter, but they had not hitherto used the power, as they thought that they had not got the machinery which appeared to be necessary for satisfactorily trying these election disputes, and any one having a right to complain might proceed by a writ of *quo warranto*. The department would act in that way as a general rule, though they would exercise the power given them in some cases, in which, with the consent of all parties, it might be convenient to do so in order to prevent a resort to another tribunal.—*Times*, 12th July, 1872.

Disqualification of member of board.

84. No member of a school board, and no manager appointed by them, shall hold or accept any place of profit the appointment to which is vested in the school board or in any managers appointed by them, nor shall in any way share or be concerned in the profits of any bargain or contract with or any work done under the authority of such school board or managers appointed by them: provided that this section shall not apply to—

- (1.) Any sale of land or loan of money to a school board; or,
- (2.) Any bargain or contract made with or work done by a company in which such member holds shares;
- (3.) The insertion of any advertisement relating to the affairs of any such school board in any newspaper in which such member has a share or interest, if he does not vote with respect to such sale, loan, bargain, contract, work, or insertion.

Any person who acts in contravention of this section shall be liable, on summary conviction, to a penalty not exceeding fifty pounds, and the said place of profit and his office as member or manager shall be vacant.

This penal provision will be enforced summarily under Jervis' Act, 11 & 12 Vict. c. 43; see section 92, *post*.

A member of a school board who enters into a contract for printing in connection with the election, even though at the time a candidate for re-election, is liable to be convicted under 33 & 34 Vict. c. 75, s. 34: *Tanfield v. Reynolds*, 39 J. P. 293.

Appointment of officers.

85. A school board may appoint a clerk and a treasurer and other necessary officers, including the teachers required for any school provided by such board, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers; but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board.

Two or more school boards may arrange for the appoint-

40 THE ELEMENTARY EDUCATION ACT, 1870.

ment of the same person to be an officer to both or all such boards.

Such officers shall perform such duties as may be assigned to them by the board or boards who appoint them.

There is not now any stamp duty payable on appointments: 38 Vict. c. 23.

It will be seen that the school board have entire control over their officers and the fixing of their salaries, and that there is no appeal given for the protection of the officer.

Though the Court may grant a writ of *quo warranto* against the clerk to a school board alleged to have been illegally elected, yet they will not do so, inasmuch as the clerk is removable at the pleasure of the board, and the majority of the board have it therefore in their power to put the appointment on a legal footing: *Bradley v. Sylvester*, 25 L. T. (N.S.) 459; 35 J. P. 726; 36 J. P. 6; and *re Tudhoe* in Glen's Poor Law Statutes, vol. I., on the same point.

The treasurer may be paid either by salary or by the allowance of commission on the transactions of the school board with him, but he cannot have interest on money which he may advance to the board.

A school board cannot appoint a banking company as their treasurer. Such a company is not in a position to act as treasurer, as a joint stock company cannot legally hold an office which is personal in its character; and, moreover, cannot be made subject to any personal responsibility, nor, unless some individual be appointed treasurer, can any one be called upon to appear before the district auditor in the capacity of treasurer, and make a declaration when it may be necessary to require one, as to the treasurer's accounts. There are also other difficulties which may arise if a legal treasurer be not appointed. The school board can, however, if they think fit appoint the manager or some other officer of the bank, or some individual, to be their treasurer, leaving him to keep his account where he chooses, but it is requisite that there should be a treasurer personally responsible to the school board.

No business involving the appointment or dismissal of a teacher can be transacted unless notice in writing of such business has been sent to every member four days at least before the meeting. See 36 & 37 Vict. c. 86, sch. 3, *post*.

Under the new code of 1881, Art. 15b, teachers cannot be recognized on the staff of any school to which grants are made, if they are officers of school boards.

The payment of a gratuity by a school board to its officer is illegal and does not come within the power given by this section to assign the officers "such salaries or remuneration as they think fit."

Where a school board have notified in their advertisement for candidates for offices that they will pay the applicants' expenses, it will be lawful for the board to pay such expenses, but not otherwise, except in the case of their requiring the attendance of a particular candidate, when they may pay his expenses.

Officer to enforce attendance at school.

36. Every school board may, if they think fit, appoint an officer or officers to enforce any byelaws under this Act with reference to the attendance of children at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent, and any expenses incurred under this section may be paid out of the school fund.

But such proceedings must be taken by the direction of not less than two members of a school board or school attendance committee. See 39 & 40 Vict. c. 79, s. 38, *post*.

It is not the duty of the clerk to the guardians as such to conduct prosecutions for offences under the Elementary Education Acts or any byelaw thereunder. The school attendance committee may, however, direct the school attendance officer to do so.

See section 74 as to the making of byelaws by school boards. And sections 2 & 3 of 43 & 44 Vict. c. 23, *post*, rendering the making of byelaws by school boards and school attendance committees compulsory.

See also 43 & 44 Vict. c. 23, s. 4, *post*, as to the enforcement of byelaws.

The following are the provisions of the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118), as to the classes of children who are liable to be detained in certified industrial schools:

"14. Any person may bring before two justices or a magistrate any child apparently under the age of fourteen years that comes within any of the following descriptions, namely,—

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale any thing) or being in any street or public place for the purpose of so begging or receiving alms;—That is found wandering and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence;—That is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment;—That frequents the company of reputed thieves.—(That is lodging, living, or residing with common or reputed prostitutes, or in a house resided in or frequented by prostitutes for the purpose of prostitution;—That frequents the company of prostitutes. See 43 & 44 Vict. c. 15.)

The justices or magistrate before whom a child is brought as coming within one of those descriptions, if satisfied on inquiry of that fact, and that it is expedient to deal with him under this Act, may order him to be sent to a certified industrial school.

"15. Where a child apparently under the age of twelve years is charged before two justices or a magistrate with an offence punishable by imprisonment or a less punishment, but has not been in England convicted of felony, or in Scotland of theft, and the child ought, in the opinion of the justices or magistrate (regard being had to his age and to

42 THE ELEMENTARY EDUCATION ACT, 1870.

the circumstances of the case), to be dealt with under this Act, the justices or magistrate may order him to be sent to a certified industrial school.

“16. Where the parent or step-parent or guardian of a child apparently under the age of fourteen years represents to two justices or a magistrate that he is unable to control the child, and that he desires that the child be sent to an industrial school under this Act, the justices or magistrate, if satisfied on inquiry that it is expedient to deal with the child under this Act, may order him to be sent to a certified industrial school.

“17. Where the guardians of the poor of a union or of a parish wherein relief is administered by a board of guardians, or the board of management of a district pauper school, or the parochial board of a parish or combination, represent to two justices or a magistrate that any child apparently under the age of fourteen years maintained in a workhouse or pauper school of a union or parish, or in a district pauper school, or in the poorhouse of a parish or combination, is refractory, or is the child of parents either of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment, and that it is desirable that he be sent to an industrial school under this Act, the justices or magistrate may, if satisfied that it is expedient to deal with the child under this Act, order him to be sent to a certified industrial school.”

See also 42 & 43 Vict. c. 48, *post*, by which the powers of school boards and guardians, in relation to industrial schools, are extended.

The Prevention of Crime Act, 1871 (34 & 35 Vict. c. 112, s. 14), further provides that:—“Where any woman is convicted of a crime, and a previous conviction of a crime is proved against her, any children of such woman under the age of fourteen years who may be under her care and control at the time of her conviction for the last of such crimes, and who have no visible means of subsistence, or are without proper guardianship, shall be deemed to be children to whom in Great Britain the provisions of the Industrial Schools Act, 1866, apply, and the court by whom such woman is convicted, or two justices or a magistrate, shall have the power of ordering such children to be sent to a certified industrial school.”

As regards the powers of the secretary of state, he may order the discharge of any child detained in a certified industrial school or the transfer of any child from one school to another. The rules for the management and discipline of the school are subject to his sanction, and no substantial addition or alteration is to be made to or in the buildings without his approval. If dissatisfied with the condition of the school, he may withdraw his certificate. The commissioners of Her Majesty's treasury may from time to time contribute such sums as the secretary of state may recommend towards the custody and maintenance of children detained in certified industrial schools, but the contributions are not to exceed 2s. per week for children detained on the application of their parents, step-parents or guardians.

SCHOOL BOARD IN METROPOLIS.

37. The provisions of this Act with respect to the formation and the election of school boards in boroughs and parishes shall not extend to the metropolis; and with respect to a school board in the metropolis the following provisions shall have effect:

- (1.) The school board shall consist of such number of members elected by the divisions specified in the fifth schedule to this Act as the education department may by order fix:

See sub-section (9) as to the chairman, who need not necessarily be an elected member, in this respect following the precedent of the chairman of the metropolitan board of works.

As regards this sub-section see the order of the education department of the 7th October, 1870, in the Appendix, p. 262.

- (2.) The education department, as soon as may be after the passing of this Act, shall by order determine the boundaries of the said divisions for the purposes of this Act, and the number of members to be elected by each such division:

See the order of the education department of the 7th October, 1870, in the Appendix, p. 262.

- (3.) The provisions of this Act with respect to the constitution of the school board shall extend to the constitution of the school board under this section, and the name of the school board shall be the School Board for London:

As to the constitution of school boards, see section 29-36, *ante*.

- (4.) The first election of the school board shall take place on such day, as soon as may be after the passing of this Act, as the education department may appoint, and subsequent elections shall take place in the month of November every third year on the day from time to time appointed by the school board:

The first election was regulated by an order of the education department, dated 7th October, 1870, see Appendix, p. 262.

44 THE ELEMENTARY EDUCATION ACT, 1870.

- (5.) At every election for each division every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected for such division, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit :

The divisions are those specified in the fifth schedule, *post*.
See note to section 29, *ante*, as to the mode of voting.

- (6.) Subject to the provisions contained in this section and in any order made by the education department under the power contained in the second schedule to this Act, the members of the board shall, in the city of London, be elected by the same persons and in like manner as common councilmen are elected, and in the other divisions of the metropolis shall be elected by the same persons and in the same manner as vestrymen under the Metropolis Management Act, 1855, and the Acts amending the same; and, subject as aforesaid, the Acts relating to the election of common councilmen, and sections fourteen to nineteen, and twenty-one to twenty-seven, all inclusive, of the Metropolis Management Act, 1855, and section thirty-six of the Metropolis Management Amendment Act, 1862, shall, so far as is consistent with the tenor thereof, apply in the case of the election of members of the school board :

The statutes 12 & 13 Vict. cap. xciv., and 30 & 31 Vict. cap. i., regulate the election of common councilmen in the city of London. By the latter Act, every *male* person of full age, not subject to any legal incapacity, rated for premises to the police or any other rate at an annual value of at least 10 $\frac{1}{2}$., and every person on the register of parliamentary voters, or entitled to be on the register, is qualified to vote in the election of common councilmen in the ward in which the qualifying premises shall be situated. But the members of the school board for London are not to be elected for wards but for the whole city; and though they may be elected by the same persons it does not seem that they can be elected "in like manner as common councilmen." But it will be seen from the second schedule, article (4), *post*, that the education department may make an order as to elections which, so far as relates to the metropolis, shall supersede any provisions contained in the

Acts relating to the election of common councilmen, and in the Metropolis Management Act, 1855, and the Acts amending the same.

See the order of the 7th October, 1870, in the Appendix, p. 262.

Under the Metropolis Local Management Act, "parishioners" are to elect (section 16), and the word includes females. Per Lord HARDWICK, L.C., in *Attorney-General v. Parker*, 3 Atk. 577. "Parishioners is a very large word, taking in not only inhabitants of the parish, but persons who are occupiers of lands, that pay the several rates and duties, though they are not resident, nor do contribute to the ornaments of the church." Females it will be seen are excluded from voting in the city of London. By 32 & 33 Vict. c. 55, s. 9, they can vote in boroughs.

- (7.) The school board shall proceed at once to supply their district with sufficient public school accommodation, and any requisition sent by the education department to such board may relate to any of the divisions mentioned in the fifth schedule to this Act in like manner as if it were a school district, and it shall not be necessary for the education department to publish any notices before sending such requisition :

As to publishing notices see section 9, *ante*, and 36 & 37 Vict. c. 86, s. 20, *post*.

- (8.) The education department may, in the order fixing the boundaries of such divisions name some person who shall be the returning officer for the purposes of the first election of the school board, and the person who is to be the deputy returning officer in each such division :

See the order of the 7th October, 1870, p. 262.

- (9.) The chairman of the school board shall be elected by the school board, and any chairman who may be elected by the board may be elected either from the members of the board or not, and any chairman who is not an elected member of the board shall, by virtue of his office, be a member of the board as if he had been so elected :

If the chairman be not an elected member he will be in addition to the number of elected members as fixed by the education department under sub-section (1) of this section. See section 38, *post*, as to paying a salary to the chairman.

46 THE ELEMENTARY EDUCATION ACT, 1870.

- (10.) *The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the third column of the first schedule to this Act in proportion to the rateable value of such parts as shown by the valuation lists for the time being in force under "The Valuation (Metropolis) Act, 1869," or, if any amount is so required before any such valuation list comes into force, in the same proportion and according to the same basis in and according to which the then last rate made by the metropolitan board of works was assessed ;*

Repealed by 36 & 37 Vict. c. 86, s. 28; and see *ibid.* section 16 for the substituted clause.

By section 79, *post*, the persons having the custody of valuation lists and rate books shall, when required by the school board, produce such lists and rate books to them, and allow the same to be inspected, or copies of them, or extracts from them to be made.

- (11.) For obtaining payment of the amount specified in any precept sent by the school board to the rating authority for any part of the metropolis, the school board, in addition to any other powers and remedies, shall have the like powers as the metropolitan board of works have for obtaining payment of any sum assessed by them on the same part of the metropolis.

For the powers of the metropolitan board of works in this respect, see 18 & 19 Vict. c. 120, ss. 172, 173, and 174; and 25 & 26 Vict. c. 102, ss. 8, 12, 13.

The London school board will be a body of persons authorized by law to require contributions payable out of the rates, within the meaning of the Valuation (Metropolis) Act, 1869, 32 & 33 Vict. c. 67, s. 32.

Payment of chairman.

88. The school board for London may pay to the chairman of such board such salary as they may from time to time, with the sanction of the education department, fix.

Alteration of number of members.

89. If at any time application is made to the education department by the school board for London, or by any six members of that board, and it is shown to the satisfaction of

the education department that the population of any of the divisions mentioned in the fifth schedule to this Act, as shown by any census taken under the authority of parliament, has varied materially from that shown by the previous census, or that the rateable value of any of the said divisions has materially varied from the rateable value of the same division ten years previously, the education department, after such inquiry as they think necessary, may, if they think fit, make an order altering, by way of increase or decrease, the number of members of that and any other division.

In the Appendix, *post*, will be found a table of the parishes and places within the metropolis, distinguishing the division (parliamentary) in which each is situated; and containing also the population and annual rateable value of each place.

As to the proceedings which are to take place should the number of members be reduced, see the first part of the second schedule, article 18, *post*.

UNITED SCHOOL DISTRICTS.

Formation by education department of united districts.

40. Where the education department are of opinion that it would be expedient to form a school district larger than a borough or a parish or any school district formed under this Act, they may, except in the metropolis, by order made after such inquiry and notice as hereinafter mentioned, form a united school district by uniting any two or more adjoining school districts, and upon such union cause a school board to be formed for such united school district.

A united school district shall for all the purposes of this Act be deemed to be a school district, and shall throughout this Act be deemed to be substituted for the school districts out of which it is constituted, and the school board of the united school district shall be the school board appointed under this Act, and the local rate and rating authority for the united district shall be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district.

Further with reference to this, see section 12, *ante*, and 36 & 37 Vict. c. 86, s. 11, *post*.

As to the notice and inquiry referred to in this section, see sections 41 and 43, *post*.

If part of the united school district be a borough, the council of the borough shall be the rating authority for that part; and if the other part be a parish, the overseers shall be the rating authority for that part. If two or more parishes, then the overseers of each parish shall be the rating authority.

Conditions of formation of district.

41. The education department, as soon as may be after the passing of this Act, may cause inquiry to be made into the expediency of uniting any two or more school districts, and if after such inquiry they are of opinion that it would be expedient to unite any such school districts, they shall in the notice of their decision as to the public school accommodation for such districts state that they propose to unite such districts, and the provisions of this Act with respect to the application for a public inquiry by persons aggrieved by the said notice, and to the holding of such public inquiry, and to the final notice, shall apply in the case of the proposed union of districts, with this qualification, that it shall not be necessary to cause a public inquiry to be held with respect to the union of districts until after the expiration of the period allowed by the final notice for the supply of the school accommodation. The order for the union may be made at the time when the education department are first authorized to cause a school board to be formed or subsequently. Where a union of districts is proposed, the education department shall consider whether any public school accommodation is required for the area proposed as the united district instead of for each of the districts constituting such area, and their decision as to the public school accommodation and the notice of such decision shall accordingly refer to such area, and not separately to each of the constituent districts.

See section 9, *ante*, as to the notice of the education department as to the school accommodation required.

Section 9, *ante*, and section 73, *post*, provide for the holding of the public inquiry referred to in this section.

As to dissolution of united school district.

42. The education department may, by order made after such inquiry and notice as hereinafter mentioned, dissolve a

united school district, and may deal with the constituent districts thereof in the same manner as if they had never been united, and may cause school boards to be elected therein.

The notice hereinafter mentioned is that in section 43, *infra*, as to the formation of school boards.

See sections 9—12, *ante*.

Public inquiry as to united district in future.

43. The education department may at any time, after any proceedings after the first returns under this Act, if they think fit, cause inquiry to be made into the expediency of forming or dissolving a united school district, and where they propose at any time after such inquiry to form or dissolve a united school district, they shall publish notice of the proposed order not less than three months before the order is made; the like persons as are authorized to apply for a public inquiry after the first returns made under this Act, may, if they feel aggrieved by the proposed order, apply in like manner for a public inquiry, and the education department shall cause a public inquiry to be held, and shall consider the report made to them upon such inquiry before they make the order for such formation or dissolution.

See section 8, *ante*, as to the first returns under the Act, and 36 & 37 Vict. c. 86, s. 20, *post*, as to the mode of publication of notices.

As to an application for a public inquiry, see section 9 (1) and (2), *ante*.

Order to be evidence of formation or dissolution.

44. Any order of the education department forming or dissolving a united district shall be evidence of the formation or dissolution of such district, and after the expiration of three months from the date of such order the district shall be presumed to have been duly formed or dissolved, as the case may be, and no objection to the formation or dissolution thereof shall be entertained in any legal proceedings whatever.

The writ of *certiorari* is not taken away by the Act; and therefore within the three months the order fixing or dissolving the united dis-

50 THE ELEMENTARY EDUCATION ACT, 1870.

trict may be removed into the Court of Queen's Bench for the purpose of being quashed.

As to the writ of *certiorari*, see section 33.

Constitution of school board in united school district.

45. The provisions in this Act respecting the constitution of the school board shall apply to the constitution of the school board in a united school district, and the name of the district shall be such as may be prescribed by the education department.

See sections 29—36, *ante*, as to the constitution of school boards.

Election of school board in united school district.

46. In a united school district the school board shall be such number of members elected by the electors of the district as may be specified in the order forming the district, subject nevertheless to alteration in the same manner as in the case of any other school board; and every person who in any of the districts constituting such united district would be entitled if it were not united to vote at the election of members of a school board for such constituent district shall be an elector for the purposes of this section, and the provisions of this Act respecting the election of a school board in a district shall extend to the election of such members.

As to the alteration of the number of members constituting a school board, see section 31 (1), *ante*.

See section 29, *ante*, and the first part of the second schedule of this Act as to the election of members. In a united district the electors of each constituent part will be entitled to vote for all or any of the members proposed for election for the united district.

Arrangements on formation of united district.

47. Where any part of a proposed united school district includes any district or part of a district in which there is a school board already acting under this Act, or where a united school district is dissolved, the education department may by order dissolve the then existing school board, or make all necessary changes in the constitution of such existing school

board, and may by order make proper arrangements respecting the schools, property, rights, and liabilities of such board, and all arrangements which may be necessary.

The arrangements to be made under this section will be in the absolute discretion of the education department. But where real property has been acquired by the school board (see ss. 19, 20, *ante*), some difficulty may arise in regard thereto if a united district be dissolved.

Further, with regard to this section, see 36 & 37 Vict. c. 86, s. 11, and 37 & 38 Vict. c. 90, *post*.

As to small parishes.

48. If the education department are of opinion that any parish in a united school district has too few ratepayers to be entitled to act as a separate parish for the purposes of this Act, they may by order direct that it shall for the purpose of voting for a member or members of the school board, and for all or any of the purposes of this Act, be added to another parish, and thereupon the persons who would be entitled to vote and attend the vestry if it were a parish shall be entitled for the purpose of voting and for such purposes to vote in and attend the vestry of the parish to which their parish is so added. All the parishes comprised in a united district, or any two or more of them, may be added together in pursuance of this section.

The ratepayers (as to whom, see *ante*, p. 3) of the smaller parish must, under this section, attend the vestry of the larger parish. They will not meet for the purposes of the Act in their own vestry.

CONTRIBUTARY DISTRICTS.

49. The education department may by order direct that one school district shall contribute towards the provision or maintenance of public elementary schools in another school district or districts, and in such case the former (or contributing district) shall pay to the latter (or school owning district or districts) such proportion of the expense of such provision or maintenance or a sum calculated in such manner as the education department may from time to time prescribe.

Election of members by contributory district.

50. Where one school district contributes to the provision or maintenance of any school in another school district, such number of persons as the education department (having regard to the amount to be contributed by the contributing district) direct shall be elected in the contributing district, and shall be members of the school board of the school owning district; but such last-mentioned district shall, except so far as regards the raising of money and the attendance of children at school, be deemed alone to be the district of such school board; such members shall be elected by the school board, if any, or, if there is none, by the persons who would elect a school board if there were one, in the same manner as a school board would be elected.

As to elections of school boards, see section 29, *et seq.*, *ante*.

Notices and public inquiry as to contributory district.

51. The provisions of this Act with respect to the notices to be published, and the application for and the holding of a public inquiry in the case of an order for the formation of an united district, shall apply *mutatis mutandis*, to an order respecting a contributory district.

An order respecting a contributory district shall be evidence of the formation of such district, and after the expiration of three months from the date thereof shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Any such order may be revoked or altered by an order of the education department, and a new order may be made in lieu thereof, and all the provisions of this Act respecting the making of an order for contribution shall apply to the making of an order for the revocation or alteration of an order for contribution.

See sections 9 and 41, *ante*, and section 73, *post*, with regard to the provision in this section.

See section 44, *ante*, and note thereon as to evidence of the formation or dissolution of a school district.

As to publication of notices, see 36 & 37 Vict. c. 86, s. 20, *post*.

Combination of school boards.

52. The school boards of any two or more school districts, with the sanction of the education department, may combine together for any purposes relating to elementary schools in such districts, and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts. Such agreements may provide for the appointment of a joint body of managers under the provisions of this Act with respect to the appointment of a body of managers, and for the proportion of the contributions to be paid by each school district, and any other matters which, in the opinion of the education department, are necessary for carrying out such agreement, and the expenses of such joint body of managers shall be paid in the proportions specified in the agreement by each of the school boards out of their school fund.

See section 15, *ante*, as to the appointment of managers of school boards.

EXPENSES.*School fund of school board.*

53. The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, or out of moneys provided by parliament, or raised by way of loan, or in any manner whatever received by the school board, and any deficiency shall be raised by the school board as provided by this Act.

See sections 17 and 26, *ante*, and 39 & 40 Vict. c. 79, s. 10, *post*.

As to the conditions on which parliamentary grants will be made to the school boards, see section 96-99, *post*, and Chapter I. and Chapter II., Part 1, section 1, of the New Code of 1881.

See also 39 & 40 Vict. c. 79, s. 18.

See note to section 57, *post*, and 36 & 37 Vict. c. 86, s. 10, *post*, as to the power of the school board to borrow money on the security of the school fund and local rates. See also rule 2 of the first part of the second schedule, *post*. A school board has no power to borrow money for the purpose of meeting their current expenses: *Reg. v. Sir Charles Reed*, 42 L. T. (N.S.) 835, reversing decision of the Court of Queen's Bench; L. R. 4 Q. B. D. 477.

54 THE ELEMENTARY EDUCATION ACT, 1870.

Deficiency of school fund raised out of rates.

54. Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate.

The school board may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount then for the purpose of reimbursing themselves they may, notwithstanding any limit under any Act of parliament or otherwise, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the purpose of defraying expenses to which the local rate is ordinarily applicable.

As to the "local rate," see the third column of the first schedule to this Act.

The "rating authority" is the authority in regard to each district specified in the fourth column of the same schedule.

Section 35, *ante*, enables the school board to appoint a treasurer.

The local authority may levy a separate rate in order to meet the precept of the school board; or they may raise the requisite amount by an addition to any rate they may make; that is to say, they may raise by means of the local rate a larger sum than they would require, but for the demand of the school board.

If the overseers levy a separate rate, no allowance or publication of such rate appears to be necessary. If they levy one rate for school and other poor law purposes, it should be specified in the demand note how much in the pound is for poor rate, and how much for school rate in respect of each person rated, but the separate amounts should not be distinguished in the rate itself.

Shelley School Board v. Overseers of Shelley, 22 W. R. 154; 37 J. P. 758. In this case a *mandamus* had been obtained to compel the overseers of Shelley to pay a sum of money for which a precept had been issued by the school board.

The defence of the overseers for not paying the money was that the deficiency in the school fund which had made the precept necessary had

been caused by the school board providing accommodation for children *not resident within the district*.

The court, without calling upon the council for the school board, gave judgment in their favour, pointing out that it was by no means clear that even if accommodation had been provided in excess of the requirement of the district, the proper remedy was not to object upon the audit of the accounts. In this case, however, there was nothing to show that there was such an excess; it might well be that only sufficient accommodation had been provided for the children of the district, and that while some of them were away, or not using the accommodation, children from the neighbouring township had been permitted to avail themselves of it. This could not vitiate the precept.

Where a sum in the accounts of a school board, paid in respect of the purchase of the "*School Board Chronicle*," was disallowed by the auditor, the education department, in reversing the auditor's decision, said "that in the opinion of the department the "*School Board Chronicle*" contains an amount of official information which is almost indispensable for the due conduct of the business of a school board."

Apportionment of school fund to united and contributory district.

55. In a united district the school board shall apportion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district.

Where one school district contributes to the expenses of the schools in another school district, the authority of the school owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to pay to their treasurer the amount therein specified, and such authority or board shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount, if paid by the school board, shall be paid out of the school fund.

The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

The provisions which are to apply accordingly, are those contained in section 54, *ante*.

56 THE ELEMENTARY EDUCATION ACT, 1870.

Remedy of school board on default of rating authority, &c.

56. In either of the following cases, that is to say,

(1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board; or

(2.) Where a school board require to raise a sum from any place which is part of a parish,

then, without prejudice to any other remedy, the school board may appoint an officer or officers to act within such place; and the officer or officers so from time to time appointed shall have within the said place, for the purpose of defraying the sum due from such place, all the powers of the rating authority of levying the local rate and any contributions thereto, and also all the powers of making and levying a rate which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he and they shall have such access to and use of the documents of the rating authority of such place relative to the local rate, and of all the valuation lists and rate books of the parish or parishes comprised in or comprising such place, as he or they may require.

Usually in the case of a divided parish, as between a county and a borough, the overseers are invested with authority to levy a separate rate on the part of the parish liable; under this section the school board are to appoint "an officer or officers" to act within such places, but no provision is made for payment of any salary to him, or for the audit of his account of his collection. It will obviously be impracticable for the officer to levy the exact sum required by the school boards, and the Act also fails to point out what he shall do with the excess, or to whom he shall account for it.

Reference must be made to the Poor Law Acts as to the powers of overseers of the poor to make and levy poor rates.

On the 8th May, 1873, in the case of *Reg. v. The Town Council of Birmingham*, the attorney-general moved to make a rule absolute for a *mandamus* against the town council of Birmingham, calling on them to pay a rate required by a precept issued by the school board for the sum of 13,500*l.* This amount the town council refused to pay; on the ground, first, that a great portion of it was required for purposes for which the precept could not legally issue; and, secondly, that the school board had another remedy by the Act 33 & 34 Vict. c. 75, the 56th section of which empowers the school board to appoint and levy the rate

themselves in the event of the town council refusing to do so, and that the levying of the rate being an unpopular measure, the school board sought to shift the burden from their own shoulders to that of the town council. The court thought that these objections were immaterial, and did not show any reason for excusing the town council from complying with the precept which the school board had issued, as they were entitled to do; and made the rule for a *mandamus* absolute.—*Times*, 9th May, 1873.

A *mandamus* to the rating authority was also granted in the following cases:—*School Board of Sunderland v. Mayor, &c., of Sunderland*; *Swansea v. Swansea*; *School Board for London v. Greenwich*; *Rochdale v. Rochdale*; *Cyfoeth-y-Brenin v. The Overseers*, and *Shelley v. Shelley*.

The school board rate should follow the form of the poor rate; but it does not require the allowance of the justices.

Further with regard to the expenses of a school board, see section 30 of 39 & 40 Vict. c. 79, *post*.

Borrowing by school board.

57. *Where a school board incur any expense in providing or enlarging a school-house, they may, with the consent of the education department, spread the payment over several years, not exceeding fifty, and may for that purpose borrow money on the security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagees, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding fifty, and if they do not so agree, they shall annually set aside one fiftieth of the sum borrowed as a sinking fund.*

For the purposes of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners. 10 & 11 Vict. c. 16.

The public works loan commissioners may, on the recommendation of the education department, lend any money required under this section on the security of the school fund and local rate without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to

58 THE ELEMENTARY EDUCATION ACT, 1870.

bear interest at the rate of three and a half per centum per annum.

This section is now repealed by 36 & 37 Vict. c. 86, s. 28. For the substituted section see section 10 of that Act.

Further, with regard to loans to school boards, see the Local Loans Act, 1875 (38 & 39 Vict. c. 83), and the Public Works Loans Act, 1875 (38 & 39 Vict. c. 89, s. 9).

As to the provision of a sinking fund, see section 84 of the Commissioners Clauses Act, 1847, in the Appendix, p. 242.

The borrowing powers are contained in sections 75–88 of the same Act.

The provision for a sinking fund in this section and section 84 of the Commissioners Clauses Act, 1847, will not apply when the loan is obtained from the public works loan commissioners.

The following is a copy of the letter of instruction to Her Majesty's inspectors with respect to the assistance to be given by the education department to school boards for the purpose of providing accommodation in their districts, by means of loans from the public works loan commissioners or otherwise:—

“Education Department, Feb. 15th, 1872.

“Their lordships have had under consideration various reports from school boards on the educational provision of their respective districts, and the measures which the boards propose to take, either for filling up a deficiency in school accommodation, or for increasing the existing supply of schools. The remarks of Her Majesty's inspectors on the schemes so submitted by the boards have also been carefully examined.

“2. If the inspector and board agree that there is no deficiency, the board are requested to publish a notice to that effect in the district.

“3. If, again, the inspector and the board are agreed that there is a deficiency, which should be supplied in some specified manner, the board are informed that their proposals are approved, and that they may at once take proceedings on their own responsibility, under section 19 of the Education Act, the sanction of the department not being required in such cases unless the board wish to avail themselves of the power of borrowing under section 57; if such a wish is expressed, the requisite instructions are given to the board.

“4. But cases occur in which the board and the inspector differ, either as to the amount of deficiency to be supplied, or as to the proper means of meeting a deficiency which they both recognize, though they may disagree either as to the situation or as to the description (for boys, girls, or infants) of the schools to be provided.

“5. I am directed to invite your attention to the following remarks respecting the course which, after careful consideration, their lordships have decided upon following in such cases.

“6. When the inspector rates the deficiency higher than the board, my lords reserve to themselves the power of deciding upon the actual deficiency, and of issuing a requisition to the board calling upon them to meet that deficiency.

"7. When, on the other hand, the board rates the deficiency higher than the inspector, they may do so for one of two reasons:—

"(1.) In the first place, they may have ascertained by actual census that the number of children to be provided for is larger than the inspector reports. He must generally work upon an estimate; and an estimate must yield to ascertained figures. In such a case, unless there is reason to suppose that the board's returns are not made *bona fide*, my lords will adopt the calculations of the board, and will sanction their proposals.

"(2.) But, secondly, the board may differ from the inspector in their estimate of the extent to which the existing school supply, whether in public elementary schools or not, is suitable to the requirements of the population.

"In such cases the difference between the compulsory and the permissive action of the department must be borne in mind.

"In estimating a deficiency upon which a requisition has to be issued, my lords will think it right to consider every public elementary school as suitable; but, looking to the fact that the school boards have been chosen to represent the ratepayers of their respective districts, and that they must be assumed to be the best judges of the wishes of their constituents, my lords will feel it their duty to avoid, as much as possible, throwing any unnecessary obstacles in the way of the proposals which boards may make as, in their opinion, best calculated to extend or improve the school supply of their districts.

"8. When their proposals, therefore, are referred to you, it will be your duty, first of all, to consider whether, in respect of amount of accommodation, they sufficiently meet the requirements of the district. If not, the department will have to consider whether they ought to issue a requisition. But, on the other hand, though you will point out any serious excess of accommodation which may be proposed, either for the district in general, or for particular parts of it, or for particular classes of scholars (boys, girls, or infants), this is all that my lords think it incumbent on you to do. Your remarks will be communicated to the board; they will be made public by the discussions of the board, and the decision of the board will, as a general rule, be accepted by the department, subject to the following reservation:

"9. The consent of the department is required before a board can borrow money on the security of the rates. The recommendation of the department is required before money can be borrowed from the public works loan commissioners.

"10. My lords will make this recommendation if they are satisfied that the money is required to meet an actual deficiency in the general school supply, after taking into account every public elementary school within the district. In such a case there can be no question as to the requirements of the district, and the duty of the board and of the department is plain.

60 THE ELEMENTARY EDUCATION ACT, 1870.

“11. If, on the other hand, the general deficiency is made out by ignoring any part of the existing efficient school supply, my lords, though they may consent to the board’s borrowing money in the open market, if they wish to do so, will not recommend the case to the public works loan commissioners. The fund at the disposal of the commissioners is not an unlimited one; it will be heavily drawn upon to meet cases of undoubted necessity; recommendation implies approval; and my lords will not feel themselves justified in becoming responsible for any application to the public works loan commissioners of the necessity of which they are not convinced.

“I have, &c.,

F. R. SANDFORD.

“To Her Majesty’s Inspectors of Schools.”

Borrowing by school board for London.

58. Any sum borrowed by the school board for London in pursuance of this Act, with the approval of the education department, may be borrowed from and may be lent by the metropolitan board of works, and section thirty-seven of the Metropolitan Board of Works Loan Act, 1869, shall apply to such loan in the same manner as if the managers therein mentioned were the school board for London, and there were added to the sum therein authorized to be borrowed the sum authorized by the education department to be borrowed under this section.

The following is the section of the Act 32 & 33 Vict. c. 102, here referred to:—

“37. Where the managers of the metropolitan asylum district require to borrow money under “The Metropolitan Poor Act, 1867,” and the Acts amending the same, such managers may borrow and the board may lend on the security authorized by those Acts such sums as the managers may have been authorized by the poor law board, in pursuance of those Acts, to borrow, not exceeding in the whole five hundred thousand pounds.

“For the purpose of raising the money so lent to the managers, the board may create consolidated stock under the provisions of this Act, in like manner and with the like sanction as they may create the same for the purpose of raising money for the purposes of the Acts mentioned in the first schedule to this Act, and all the provisions of this Act shall apply as if such money were raised and stock were created for the purposes of the last-mentioned Acts, with this exception, that the money required in pursuance of this section may be borrowed by the board in addition to the sum limited by this Act.

“All sums received by the board from the said managers in respect of interest on or the principal of such loan shall be carried to the metropolitan consolidated loans fund.

"Notwithstanding anything in the Metropolitan Poor Act, 1867, and the Acts amending the same, the amount so lent by the board shall be repaid to them by the said managers, with interest, within such period not exceeding sixty years as may be agreed upon between the board and the said managers, subject to the approval of the treasury.

"The board may lend and the managers may borrow money in pursuance of this section for the purpose of repaying any loan due at the passing of this Act from the said managers.

"The board and the said managers may execute all such deeds and documents and do all such acts as may be necessary or expedient for carrying this section into effect."

By 35 & 36 Vict. c. 27, s. 2, *post*, this section extends to any expense incurred by the school board for London in providing or enlarging any offices required by such school board; and by section 3 the term "offices" includes all necessary conveniences and appurtenances.

ACCOUNTS AND AUDIT.

Accounts to be made up and examined.

59. *The accounts of the school board shall be made up and balanced to the twenty-fifth of March and twenty-ninth of September in every year. The accounts shall be examined by the school board and signed by the chairman within fourteen days after the day to which they are made up.*

As soon as practicable after the accounts are so signed they shall be audited.

This section is now repealed by 36 & 37 Vict. c. 86, s. 28, *post*. The substituted provision is contained in section 17 of that Act.

Audit of accounts.

60. With respect to the audit of accounts of the school board the following provisions shall have effect:

- (1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the audit district in which the school district is situate, or if it is situate in more than one audit district by the auditor of such of the said audit districts as the poor law board may direct, and the term audit district in this provision shall be construed to include a parish for which an auditor is separately appointed to audit the accounts for the relief of the poor. The auditor shall receive such remuneration as the poor law board direct, and

62 THE ELEMENTARY EDUCATION ACT, 1870.

such remuneration, together with the expenses of or incident to the audit, shall be paid by the school board out of the school fund, and if unpaid may be recovered in a summary manner.

So much of this section as is printed in italics is now repealed by 42 Vict. c. 6, s. 11, which will be found in the Appendix, p. 258. As to the remuneration of auditors, see section 2 of the repealing Act. For the general order of the local government board prescribing the form of the financial statement to be prepared by auditors under section 3 of the District Auditors Act, 1879, see the Appendix, *post*.

The local government board's circular of instructions to auditors as to the place of audit and their remuneration is in the Appendix, p. 460.

- (2.) The audit shall be held at the office of the school board, or some other place sanctioned by the poor law board within the school district, or within the union within which the school district or some part thereof is situate, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is signed by the chairman:

"As soon as may be," must have reference to the district auditor's arrangements for poor law audits; and it will often necessarily be long after the accounts are signed by the chairman of the school board, that the auditor will be able to audit them. See, however, the circular of the local government board, dated 9th May, 1873, in the Appendix, p. 460.

This sub-section does not contemplate a general authority to the auditor to hold his school board audits at the board room of the guardians. There must be a special application in each case.

Under this sub-section and the Elementary Education Act, 1873, section 17, *post*, the auditor cannot properly fix a day for the audit of the accounts of any school board until he has ascertained that such accounts have been signed by the chairman.

- (3.) The auditor at least fourteen days before holding the audit, shall serve on the school board, and publish notice of the time and place of holding the same:

The notice here mentioned was to be published according to the directions, sections 80, 81, and 82, *post*.

The 36 & 37 Vict. c. 86, s. 28, *post*, repeals section 80 of this Act, and by section 20 makes new provisions for the publication of notices for the purposes of the Elementary Education Acts.

- (4.) The clerk of the school board, or some person authorized by the school board, shall attend the audit,

and produce to the auditor all books, bills, vouchers, and documents relating to the account:

See also the order for accounts in the Appendix, p. 469.

- (5.) Any ratepayer of the school district may be present at the audit, and may object to the account:

By section 87, *post*, ratepayers may inspect books and accounts of school boards.

- (6.) The auditor shall, as nearly as may be, have the like powers and be under the like obligation to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts relating to the relief of the poor in any union or parish; and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit:

As to the powers of the auditor with regard to the audit of poor law accounts, see the statutes 7 & 8 Vict. c. 101, ss. 32, 33; 11 & 12 Vict. c. 91, ss. 4, 5, 8, 9; 12 & 13 Vict. c. 103, ss. 9, 11; and 42 Vict. c. 6, in the Appendix, pp. 248-259.

It does not appear that a school board have power under 7 & 8 Vict. c. 101, s. 39, to require the bill of an attorney to be taxed by the clerk of the peace.

As regards the right of appeal against the auditor's decisions, see 7 & 8 Vict. c. 101, ss. 35, 36; and 11 & 12 Vict. c. 91, s. 4, also in the Appendix.

The appeal in respect to allowances, disallowances, or surcharges in school board accounts, will be to the Court of Queen's Bench, or to the local government board.

The cost of the preparation of an appeal against an auditor's surcharge cannot lawfully be charged upon the funds of the school board.

With regard to the power of an auditor to enforce his certificate of money being due, see *Reg. v. Finnis*, 28 L. J. M. C. 201; 5 Jur. (N.S.) 971; in Glen's Poor Law Statutes, vol. II.

The clerk of a school board may be liable to have an illegal expenditure, charged in his petty-cash book, disallowed or surcharged, but no pecuniary liability attaches to him for illegal charges in the cash book of the school board.

64 THE ELEMENTARY EDUCATION ACT, 1870.

- (7.) The auditor shall have the like powers of requiring the attendance of persons, the production of books, bills, vouchers, and documents, and a declaration respecting vouchers and documents, as in the case of such last-mentioned audit ; and any person who refuses or neglects to comply with any such requisition, or wilfully makes or signs a false declaration so required, shall be liable to the same penalties as in the case of such last-mentioned audit :

As regards this sub-section see 7 & 8 Vict. c. 101, s. 33, in the Appendix, p. 249.

- (8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of such last-mentioned audit, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit :

See 7 & 8 Vict. c. 101, section 32 in the Appendix, p. 248. As to the limitation of time for the recovery of certified sums, see 12 & 13 Vict. c. 103, s. 9, in the Appendix, p. 252.

See also 11 & 12 Vict. c. 91, s. 9 ; and 12 & 13 Vict. c. 103, ss. 9 and 10, and 42 Vict. c. 6.

In case of proceedings to recover certified sums it will not be necessary to produce any other proof of notice of audit than that required in poor law cases.

- (9.) *Subject to the provisions of this section, the poor law board may from time to time make such regulations as may be necessary respecting the form of keeping the accounts and the audit thereof.*

The order under which the keeping of accounts and the audit thereof are now regulated, together with the instructional letter of the education department thereon, will be found in the Appendix, pp. 469, 501.

This sub-section is now repealed by 36 & 37 Vict. c. 86, s. 28. The substituted clause is contained in section 18 of that Act.

Penalty for improper payment of surcharge.

61. Any member or officer of a school board, or manager appointed by them, who authorizes or makes, or concurs in authorizing or making, any payment or any entry in accounts

for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding twenty pounds and double the amount of such sum.

As to the recovery of penalties, see section 92, *post*, and 36 & 37 Vict. c. 86, ss. 23, 24, *post*.

Publication of accounts.

62. When the auditor has completed the audit he shall sign the balance sheet.

The school board shall cause a statement showing their receipts and expenditure to be printed in such form and with such particulars as may be from time to time prescribed by the education department, and shall send the same within thirty days after the balance sheet is signed by the auditor to each member of the rating authority, and to the overseers of every parish in the district, and to the education department; and the school board may, if they think fit, publish such statement or an abstract thereof in any local newspaper or newspapers circulating in the district, and shall furnish a copy of such statement to any ratepayer in the district, on his application and on the payment of a sum not exceeding sixpence.

This section is directory as to sending a copy of the account to each member of the rating authority, and to the overseers, but it will not always be easy for the board to ascertain the individual members of the rating authority specified in the fourth column of the first schedule to the Act. The overseers are a rating authority composed of several members; but they are spoken of in the section as different from the rating authority; but they will only be so when the rating authority is another body.

For form of statement of receipts and expenditure of school board, see the order of the Local Government Board as to accounts, Sch. B. in the Appendix, p. 490.

DEFAULTING SCHOOL BOARD.

Proceedings on default by school board.

63. Where the education department are, after such inquiry as they think sufficient, satisfied that a school board is in default as mentioned in this Act, they may by order declare

such board to be in default, and by the same or any other order appoint any persons, not less than five or more than fifteen to be members of such school board, and may from time to time remove any member so appointed, and fill up any vacancy in the number of such members, whether caused by removal, resignation, death or otherwise, and subject as aforesaid, add to or diminish the number of such members.

After the date of the order of appointment the persons (if any) who were previously members of the school board shall be deemed to have vacated their offices as if they were dead, but any such member may be appointed a member by the education department. The members so appointed by the education department shall be deemed to be members of the school board in the same manner in all respects as if, by election or otherwise, they had duly become members of the school board under the other provisions of this Act, and may perform all the duties and exercise all the powers of the school board under this Act.

The members appointed by the education department shall hold office during the pleasure of the education department, and when that department consider that the said default has been remedied, and everything necessary for that purpose has been carried into effect, they may, by order, direct that members be elected for the school board in the same manner as in the case of the first formation of the school board. After the date fixed by any such order the members appointed by the education department shall cease to be members of the school board, and the members so elected shall be members of the school board in their room, but the members appointed by the education department shall not be disqualified from being so elected. Until any such order is made no person shall become a member of the school board otherwise than by the appointment of the education department.

Where a school board is not elected at the time fixed for the first election, or has ceased to be in existence, the education department may proceed in the same manner as if such board had been elected and were in existence.

As regards school boards in default, see sections 6, 10, 16, 18 and 32, *ante*.
The authority given to the education department when a school board

is in default, is similar in its nature to the authority given by 29 & 30 Vict. c. 90, s. 49, to the secretary of state (now local government board), when a local board of health, nuisance authority, or sewer authority, are in default in carrying into effect their respective powers.

On the contingency alluded to in the last paragraph of this section happening, the education department will proceed as in the case of a defaulting school board.

The education department may also proceed under section 66, *post*, where a school board is in default.

Further, with regard to school boards in default, see 39 & 40 Vict. c. 79, s. 27, *post*.

And with regard to local authorities failing to perform their duty under the Act, see also 39 & 40 Vict. c. 79, s. 27, *post*.

*Certificate of education department as to appointment,
expenses, and loans.*

64. The education department may from time to time certify the appointment of any persons appointed to be members of a school board in default, and the amount of expenses that have been incurred by such persons, and the amount of any loan required to be raised for the purpose of defraying any expenses so incurred, or estimated as about to be incurred; and such certificate shall be conclusive evidence that all the requirements of this Act have been duly complied with, and that the persons so appointed have been duly appointed, and that the amounts therein mentioned have been incurred or are required.

Expenses incurred on default.

65. The expenses incurred in the performance of their duties by the persons appointed by the education department to be members of a school board, including such remuneration (if any) as the education department may assign to such persons, shall, together with all expenses incurred by the board, be paid out of the school fund; and any deficiency in the school fund may be raised by the school board as provided by this Act; and where the education department have, either before or after the payment of such expenses, certified that any expenses have been incurred by a school board, or any members appointed by them, such expenses shall be deemed to have been so incurred, and to have been properly paid out of the school fund.

68 THE ELEMENTARY EDUCATION ACT, 1870.

Where the members of a school board have been appointed by the education department, such school board shall not borrow or charge the school fund with the principal and interest of any loan exceeding such amount as the education department certify as mentioned in this Act to be required.

The deficiency in the school fund will be raised, as provided by section 54, *ante*.

The certificate of the education department as to expenses is the certificate referred to in the preceding part of this section.

Dissolution of school boards.

66. Where the education department are of opinion that in the case of any school district the school board for such district are in default, or are not properly performing their duties under this Act, they may by order direct that the then members of the school board of such district shall vacate their seats, and that the vacancies shall be filled by a new election; and after the date fixed by any such order the then members of such board shall be deemed to have vacated their seats, and a new election shall be held in the same manner, and the education department shall take the same proceedings for the purpose of such election as if it were the first election; and all the provisions of this Act relating to such first election shall apply accordingly.

The education department shall cause to be laid before both houses of parliament in every year a special report stating the cases in which they have made any order under this section during the preceding year, and their reasons for making such order.

Further with regard to the dissolution of school boards, see 39 & 40 Vict. c. 79, s. 41, *post*.

RETURNS AND INQUIRY.

Returns by local authority.

67. On or before the first day of January one thousand eight hundred and seventy-one, or in the case of the metropolis before the expiration of four months from the date of the election of the chairman of the school board, every local

authority hereinafter mentioned, and subsequently any such local authority whenever required by the education department, but not oftener than once in every year, shall send to the education department a return containing such particulars with respect to the elementary schools and children requiring elementary education in their district as the education department may from time to time require.

As to whom returns are to be made by, see section 69, *post*.

Further, with regard to the powers of the education department under this section, see section 68, *infra*, and 36 & 37 Vict. c. 86, s. 19, *post*.

As to duty of school boards to make returns, see section 95, *post*, and 39 & 40 Vict. c. 79, s. 43.

Mode of obtaining returns.

68. For the purpose of obtaining such returns the education department shall draw up forms, and supply to the local authority such number of forms as may be required; and the managers or principal teacher of every school required to be included in any such return shall fill up the form, and return the same to the local authority within the time specified in that behalf in the form.

On the 16th, 18th, and 19th August, 1870, respectively the education department issued circulars addressed to the town clerk of each municipal borough, and to the overseers of each parish, calling for returns relating to school accommodation, in accordance with sections 67-72 of this Act.

The form of return to be furnished to the education department by managers or principal teachers of each school required the following information to be furnished:—

1. Whether the school is (a) a *public school*, i.e., held in premises secured by deed for education, with managers acting under that deed, who appoint and control the teacher; or (b) a *private school*, i.e., governed by private managers, or a committee not acting under any deed; or (c) an *adventure school*, i.e., conducted by the teacher at his or her own risk, and on his or her own responsibility.

2. When the school is either a private school, or an adventure school, (a) to whom the building belongs, and (b) on what conditions it is occupied.

3. With what religious denomination, if any, the school is connected, and whether the scholars are required or expected to attend any special religious instruction, or particular place of worship.

4. Dimensions in feet of each school-room, and each class-room, specifying as regards each whether it is for boys or girls, or a mixed school.

70 THE ELEMENTARY EDUCATION ACT, 1870.

Where rooms are in process of building or enlargement, the dimensions as they will be when the rooms are finished or enlarged are to be given. No rooms are to be included, except those in which the school is, or is to be, kept; *e.g.*, if the teacher lives in one room and keeps school in another, the latter room only is to be included.

5. Whether the school premises include (a) houses for the teachers, (b) separate offices for boys and girls.

By a mixed boys' school is meant a school under a master in which girls are instructed, and by a mixed girls' school is meant a school under a mistress in which boys are instructed with girls.

6. Whether each of the rooms entered in the return under No. 4, is, or will be, exclusively appropriated in education, and, if not, the other use.

The answer is to be in the negative if the teacher sleeps, takes meals, or follows any trade in the room for teaching, or if divine worship, or any occupation except teaching is, or is to be, carried on in it.

7. Whether each of the above rooms is or will be exclusively furnished for use (a) as a day-school, or (b) as a Sunday-school, or (c) for both.

The answer is to be in the negative if the room is or is to be furnished wholly or in part for a trade, for living in, for divine worship, or for any other purpose but teaching.

8. Which of the rooms, if any, is used for an evening school.

9. When any new rooms, or enlargements of existing rooms, are in contemplation, (a) the exact additions or changes about to be made, giving dimensions, and (b) by what date they will be completed.

10. If the school is not in operation, but in course of being supplied, for how many children the promoters propose to provide accommodation; (a) for boys, (b) for girls, (c) for infants.

11. The principal teachers' names in full; (a) date of birth, (b) how long a teacher, (c) date at which he or she took charge of the school, (d) whether certificated by the committee of council, (e) class of certificate, (f) whether the school receives annual grants from the education department.

A "principal" teacher is one who acts under the orders of no other teacher in the same institution: *e.g.*, there may be three principal teachers in one institution, containing separate departments for boys, girls, and infants.

12. Attendance.—Day school: (a) how many week days per week the school is held; (b) how many hours per week day; (c) how many weeks per year. Evening school: (a) during what months held; (b) on what nights of the week; (c) for how many hours each night.

13. Age and number of scholars on the roll, omitting all who have not attended within the last month: (a) under three years; (b) three and under six; (c) six and under eight; (d) eight and under thirteen; (e) thirteen and under twenty-one; (f) twenty-one and upwards.

14. Number in actual attendance on day when return is made.

15. The number of scholars now on the roll who attend the school (a) as half-timers, or (b) under any Act regulating the hours of labour.

16. Fees.—Number on the roll paying per week: (a) one penny and less than two pence; (b) two pence and less than four pence; (c) four pence and less than six pence; (d) six pence and less than nine pence; (e) nine pence; (f) more than nine pence; (g) nothing (*i.e.*, free scholars).

The information under Nos. 13, 14, 15, and 16, is to be given with reference to boys' and girls' schools respectively, and, as regards each, night as well as day schools.

17. The number of the scholars on the roll who come from other parishes, (a) boys, (b) girls, (c) infants under six years of age, and the names of such parishes.

18. Instruction.—Number learning at day and night schools respectively each of the following subjects: (a) reading; (b) writing; (c) arithmetic; (d) dictation; (e) religious instruction; (f) history; (g) grammar; (h) geography; (i) needlework; (j) other subjects, specifying them.

19. Whether the school provides instruction only; if not, how many scholars are (a) lodged, (b) boarded, (c) clothed.

20. Whether the school is a ragged school, industrial school, reformatory, orphanage, asylum, or private boarding school.

21. Whether the school has any endowment; if so, (a) of what amount; (b) the nature of the endowment; (c) whether it is alienable from the school or from education.

22. The name and designation of the correspondent for the school, and his address for post from London.

If the school is a public or private school, the return is to be shown to the managers, and signed by at least one of them, as well as the principal teacher. If it is an adventure school, it is to be signed by the master or mistress.

When the school is situated in a municipal borough the return was to be forwarded to the town clerk, and when situated in a parish or place not included in a borough or the metropolis, to the overseers, on or before the 1st of December, 1870.

Local authority to make returns.

69. The returns shall be made in the metropolis by the school board appointed under this Act, in boroughs by the council, and in every parish not situated in a borough or the metropolis by persons appointed for the purpose or by the overseers of such parish. Where a school board is formed under this Act, the returns shall be made by such school board within their district, instead of by the council, persons appointed as aforesaid, or overseers, as the case may be.

The persons appointed for the purpose may be appointed as follows; namely, the education department may, if they

72 THE ELEMENTARY EDUCATION ACT, 1870.

think fit, send to the overseers or other officers who have power to summon a vestry in such parish a requisition to summon, and such overseers or other officers shall summon, a vestry in such parish for the purpose of this section; and such vestry shall appoint two or more persons who shall be the local authority for the purpose of the returns under this Act.

The local authority may, with the sanction of the education department, employ persons to assist in making such returns, and may pay those persons such remuneration as the treasury may sanction. That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the treasury may sanction, shall be paid by the education department.

Further, as to this section, see 36 & 37 Vict. c. 86, s. 19, *post*, and 39 & 40 Vict. c. 79, s. 43.

The sanction of the education department to the employment of assistants is necessary, in order to obtain the sanction of the treasury to the payment of their remuneration.

Proceedings on default of authority to make returns.

70. If any local authority fail to make the returns required under this Act, the education department may appoint any person or persons to make such returns, and the person or persons so appointed shall for that purpose have the same powers and authorities as the local authority.

As to this section, see further 36 & 37 Vict. c. 86, s. 19, *post*.

Inquiry by inspectors of education department.

71. The education department may appoint any persons to act as inspectors of returns, who shall proceed to inquire into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency and suitability of any school mentioned in any such return, or which ought to have been mentioned therein, and to inspect and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return.

Refusal to fill up forms and to admit inspectors.

72. If the managers or teacher of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the school-house or examine any scholar, or examine the school books and registers, or make copies or extracts therefrom, such school shall not be taken into consideration among the schools giving efficient elementary education to the district.

PUBLIC INQUIRY.

73. Where a public inquiry is held in pursuance of the provisions of this Act the following provisions shall have effect :

The provisions of the Act with respect to public inquiries are contained in sections 9, 12, 13, 20, 41, 43, and 51.

- (1.) The education department shall appoint some person who shall proceed to hold the inquiry :
- (2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the school district to which the subject of inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into any objections or representations made respecting the subject of the inquiry, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the education department direct of every such sitting (except an adjourned sitting) seven days at least before the holding thereof :

- (8.) The person so appointed shall make a report in writing to the education department setting forth the result of the inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon ; and the education department shall cause a copy of such report to be deposited with the school board (if any), or, if there is none, the town clerk of the

74 THE ELEMENTARY EDUCATION ACT, 1870.

borough or the churchwardens or overseers of the parishes to which the inquiry relates, and notice of such deposit to be published :

The notice of the deposit of the report upon the inquiry, pursuant to sub-section (3) will be published according to section 20 of 36 & 37 Vict. c. 86, *post*. The education departments are to ~~cause~~ the notice to be published; but how they are so to cause it the section fails to say,—probably they will themselves publish it, and recover the cost as in sub-section (4).

- (4.) The education department may make an order directing that the costs of the proceedings and inquiry shall be paid, according as they think just, either by the district as if they were expenses of a school board, or by the applicants for the inquiry; and such costs may be recovered, in the former case, as a debt due from the school board, or, if there is no school board, as a debt due from the rating authority, and, in the case of the applicants, as a debt due jointly and severally from them; and the education department may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held.

ATTENDANCE AT SCHOOL.

As to attendance of children at school.

74. Every school board may from time to time, with the approval of the education department, make byelaws for all or any of the following purposes :

The 39 & 40 Vict. c. 79, s. 52, *post*, sched. 4, repeals so much of this section and of any byelaw made thereunder, as is affected by the repeal of section 25, and the rule marked 15 in the first part of the 2nd schedule, and the rule marked 6 in the third part of the 2nd schedule. See also section 5 (2) of the above-mentioned Act.

By 43 & 44 Vict. c. 23, s. 2, *post*, local authorities are compelled to make byelaws under this section, and the education department are empowered to proceed against any local authority in whose district there are no byelaws, or to make byelaws for such district.

As to proceedings to be taken, see 39 & 40 Vict. c. 79, s. 27, *post*.

43 & 44 Vict. c. 23, s. 3, enables the school attendance committee of a union to make byelaws under this section, in pursuance of 39 & 40 Vict. c. 79, s. 21, *post*.

As regards the enforcement of byelaws under this section, see *post*, p. 79, and also section 92, *post*, as well as section 36, *ante*. See also 43 & 44 Vict. c. 23, s. 4, *post*.

Further with regard to this section, see 39 & 40 Vict. c. 79, ss. 5 (2), 21, 23, and 36, *post*; and 43 & 44 Vict. c. 23, *post*.

For model forms of byelaws and instructions as to the making of byelaws, issued by the education department, see Appendix, pp. 511—520.

Also for form of notice of deposit of byelaws, and of declaration of such deposit, see Appendix, pp. 514, 515.

- (1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school :

In *Hance v. Burnett*, before the Queen's Bench Division, the question arose whether a married woman, the mother of a child, having the actual care and custody of the child in the absence of her husband beyond seas, is liable to be summoned and convicted for the non-attendance of the child at school in breach of the byelaws of the school board. COLBRIDGE, C. J., said that in the absence of the husband, whether by desertion or in the pursuit of his calling, it might be for months or years, the person having the actual care and custody of the child was liable for neglect of these laws. Otherwise, the whole of the seafaring population of a great maritime country would be out of the scope of the Education Acts.—*The Times*, 2nd December, 1880; 45 J. P. 54.

In the case of the children of the nomad population, such as gipsies, vagrants, and persons of wandering habits, who attend races, fairs, and similar places, considerable difficulty has been experienced in enforcing their attendance at public elementary schools. This difficulty has been considerably diminished by the Act of 1880, *post*, under which byelaws exist everywhere, and by reason of their extending throughout the union are not so easily evaded as formerly. Moreover, it is not now necessary to prove "habitual neglect;" the local authorities can proceed against the parents for a single absence.

By section 5 of 43 & 44 Vict. c. 23, *post*, a child shall not be required to attend school further or otherwise than he is required to attend by a byelaw in force under this section, as a condition of the continuance of relief out of the workhouse to him or his parent.

For the regulations issued by the education department with regard to the attendance of children at school, see Appendix, p. 315.

See also Appendix, p. 350, for the regulations as to the attendance of soldiers' children at public elementary schools.

As to what shall be a "reasonable excuse," see the second subsections (1)—(3). It is not for the school board to decide what constitutes a reasonable excuse.

The education department have stated that if the payment of fees is made a rule in a board school, and a child comes to school without his

76 THE ELEMENTARY EDUCATION ACT, 1870.

fee, although the parent is not in the opinion of the board unable from poverty to pay the fee, the department are of opinion that the child may be refused admission, and that this would not constitute a "reasonable excuse" within the meaning of this section for non-attendance.

The Common Pleas Division decided in a recent case of *Richardson v. Saunders* that a parent had complied with the requirements by sending his child to school, although he was unable from poverty to pay the fees, and had not taken any steps to obtain their remission.—*The Local Government Chronicle*, March 5, 1881.

- (2.) Determining the time during which children are so to attend school; provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour:

As regards the religious instruction of children in the school, see section 7, sub-sections (1) and (2), *ante*; and section 14, sub-section (2).

The education department decline to sanction byelaws restricting the character of religious instruction to be given in a school.

Byelaws which provided that the time during which children subject to them should attend school should be the whole time that the school should be open for the instruction of children, were held to be not contrary to section 14 of the Workshops Act, 30 & 31 Vict. c. 146, which required every child employed in a workshop to attend school for at least ten hours a-week. *Bury v. Cherryholm*, L. R. 1 Exch. Div. 457; S. C., *Bury v. Cherrybohn*, 35 L. T. (N.S.) 403; 40 J. P. 293.

A question arose out of an information laid against the father of a boy between 10 and 11 years old for neglecting to cause him to attend school during the whole of the ordinary school hours, as required by the byelaws of the school board for the district of the borough of Oldham. The defence set up was that the boy was employed at a cotton factory at Oldham, and was attending an efficient elementary school regularly, pursuant to the Factory Acts; and this the justices found to be the fact. The byelaws of the school board, which were put in evidence at the hearing, contained an express enactment that nothing therein should have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour. The contention on the part of the school board was that the Education Acts overrode and controlled the provisions of the Factory Acts, and that children employed in factories, though receiving the education provided for and required by the Factory Acts, were in the

same position as other children not so employed, and were, like them, compellable to attend school during the whole of the school hours. The argument was that the Factory Acts, which commenced at a time when no scheme of general education existed, are merely restrictive; that they do not enact that children shall or may be employed for a given number of hours in the factory, and while so employed shall receive a certain amount of education; but that all which they enact is that the children shall not be employed for a longer time in the factory, and shall not, during such employment, receive less than the given amount of education; and further, that the policy of the Education Act, which passed long afterwards, was to secure to all children, however employed, a much larger amount of education than the Factory Acts provided; and that it cannot be said to be "contrary to" nor consistent with the provisions of the Factory Acts for the school board to require that all children should attend school for a longer period than factory children had been required to attend, although the effect might and would be to put an end to child labour in factories.

Held, that the meaning of the proviso to the 74th section of the Education Act, 1870, is that the board shall not use the power given to them so as to interfere with the arrangements already made by the Factory Acts, which embrace both the time of working and the time of attending school, each being dependent on the other, and neither of which can be interfered with without disturbing the other.

The Court answered the questions submitted to them as follows:—

1. The school board are not entitled to enforce their byelaw against children between the ages of 10 and 13 years, who, although not obeying such byelaws, are attending efficient elementary schools, pursuant to and otherwise fulfilling and observing the conditions of the Factory Acts.

2. The Elementary Education Acts do not control the provisions of the Factory Acts regulating the education of children employed in accordance with those Acts. *Mellor v. Denham*, 40 L. T. (N.S.) 395; 48 L. J. M. C. 113; W. N. 1879, p. 70.

On appeal, held that the matter being criminal within section 47 of the Judicature Act of 1873, there was no appeal; 49 L. J. M. C. 89.

As to the employment of children attending school in accordance with the Factory and Workshops Act, 1876, see 43 & 44 Vict. c. 23, s. 4, *post*.

(3.) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same:

See section 17, *ante*, as to school fees, and the remission of the same wholly or in part on the ground of poverty; and 39 & 40 Vict. c. 79, s. 40, *post*. See also 43 & 44 Vict. c. 23, s. 5, *post*, as to education being condition of relief to parents of children.

As regards the boarding out of pauper children, see the 33 & 34 Vict. c. 48, and the general order issued by the poor law board, dated 25th November, 1870, in Glen's Poor Law Board Orders, eighth edition, p. 444.

78 THE ELEMENTARY EDUCATION ACT, 1870.

- (4.) Imposing penalties for the breach of any byelaws :
- (5.) Revoking or altering any byelaw previously made.

Provided that any byelaw under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school if one of Her Majesty's inspectors certifies that such child has reached a standard of education specified in such byelaw.

As to penalty for employing child who has not obtained a certificate, see 43 & 44 Vict. c. 23, s. 4, *post*.

A standard of education fixed by a byelaw under section 74 will be a standard of education fixed for the purposes of the Education Act of 1878. Children not coming up to the standard must be sent to school at the expense of the ratepayers.

By "reached a standard" it must be taken that the child has passed an examination in "a standard."

See 36 & 37 Vict. c. 86, s. 25, *post*, as to the forgery of certificates.

Any of the following reasons shall be a reasonable excuse ; namely,

- (1.) That the child is under efficient instruction in some other manner :
- (2.) That the child has been prevented from attending school by sickness or any unavoidable cause :
- (3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the byelaws may prescribe.

The school board, not less than one month before submitting any byelaw under this section for the approval of the education department, shall deposit a printed copy of the proposed byelaws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

As to publishing notice of deposit, see section 20 of 36 & 37 Vict. c. 86, *post*. The following order of the committee of the education department, under the powers of that section, was issued on the 13th of August, 1875 :—

"Their lordships, having read the 20th section of the Elementary Education Act, 1873, and having also read the order of the education department of the 30th day of December, 1873, made in pursuance of the said section, do hereby, in pursuance of the said section, order that—

- (1.) From and after the date of the present order the aforesaid order of the 30th day of December, 1873, be revoked,
- (2.) From and after the date of the present order, the notice of deposit of byelaws under section 74 of the Elementary Education Act, 1870, shall be published only by advertisement in some one or more of the newspapers circulating in the district of the board whose byelaws are so deposited.
- (3.) All acts done and proceedings taken before the date of this order, shall, notwithstanding the revocation of the order of the 30th day of December, 1873, be valid."

If there is no school available in the parish within three miles from the residences of the children, there will be a reasonable excuse within the meaning of the 33 & 34 Vict. c. 78, s. 74, for their non-attendance at school.

If a child, although not attending a public elementary school, is under efficient instruction in some other manner, it is a reasonable excuse within the meaning of section 74 of the Act, 1870.

The sickness of the father or mother of a child is not a reasonable excuse within the meaning of the Act for the non-attendance of the child at school. In such a case additional relief should be given according to the necessities of the case.

The plea of "no boots" is not a "reasonable excuse" within the meaning of this section.

With reference to the attendance at elementary schools of children who live in houses where infectious diseases are prevailing, in the case of any school which is closed on the advice of the sanitary or medical authorities of a district on account of the existence of epidemic disease, the education department accepts a number of meetings and attendances reduced in proportion to the period for which the school is so closed; as, however, the number of meetings required by the New Code may be made in forty weeks, and the number of attendances in twenty-five weeks, there is, both with regard to the school itself and the individual scholars, an ample margin of time for satisfying the requirements of the code even when a school has been closed for some weeks.

With reference to the attendance at school of soldiers' children, see the return of the regulations in force made in pursuance to an address of the House of Lords, in the Appendix, p. 350.

The education department before approving of any byelaws shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

Any proceeding to enforce any byelaw may be taken, and any penalty for the breach of any byelaw may be recovered in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed such amount as with the costs will amount to five shillings for each offence, and such bye-

laws shall not come into operation until they have been sanctioned by Her Majesty in council.

In *Ex parte The School Board of London, Re Murphy*, L.R. 2 Q. B. D. 397; L. T. (N.S.) 698; 41 J. P. 693, it was held that where a parent has habitually neglected to provide instruction for a child within the meaning of 39 & 40 Vict. c. 79, s. 11, it was the duty of the magistrate to refuse to grant a summons under the byelaws and to require a summons to be taken out under 39 & 40 Vict. c. 79, s. 11. But 43 & 44 Vict. c. 23, s. 4, *post*, enables proceedings to be taken for punishing the contravention of a byelaw, notwithstanding that such contravention constitutes habitual neglect to provide efficient elementary education for a child within the meaning of 39 & 40 Vict. c. 79, s. 11, *post*.

By section 6 of the Canal Boats Act, 1877 (40 & 41 Vict. c. 60), a child in a canal boat registered in pursuance of the Act, and his parent, shall for the purposes of the Elementary Education Acts, 1870, 1873, and 1876, be deemed, subject as thereafter mentioned, to be resident in the place to which the boat is registered as belonging, and shall be subject accordingly to any byelaw in force under the said Acts in that place.

“Provided that if the parent satisfies the school board or school attendance committee having authority in that place, that the child is actually attending school, or is under efficient instruction in accordance with the said Acts, in some other school district, the said board or committee shall grant him without charge a certificate to that effect, and thereupon he and his child shall be deemed for the purposes aforesaid to be resident in the school district in which the child is so attending school, or under efficient instruction, and shall be subject to any byelaw in force therein.

“The said certificate may on application by the parent be rescinded or varied by the school board or school attendance committee for the place to which the boat is registered as belonging, and may be rescinded without application by any such board or committee, if they are satisfied after due notice to the parent, that his child is not properly attending school or under efficient instruction in the school district mentioned in the certificate.”

Sect. 7. “For the purpose of the registration of canal boats the registration authority shall be such one or more of the sanitary authorities having districts abutting on a canal as may from time to time be prescribed by regulation of the local government board.

“A canal boat shall be registered with some registration authority having a district abutting on the canal on which such boat is accustomed or intended to ply.

“With a view of determining the place to which a canal boat belongs, for the purpose of the Elementary Education Acts, 1870, 1873, and 1876, the registration authority shall register any canal boat in respect of which an application is made for registration as belonging to some place which is either a school district or is part of a school district, and is situate wholly or partly within the jurisdiction of the registration authority with which it is registered.”

The Canal Boats Act, 1877, also empowers companies being the owners of canal boats and canal companies to establish schools, wherein the children employed in canal boats may be lodged, maintained, and educated, or educated only; provided that the children are not maintained gratuitously, but the lodging or education may be wholly or partially gratuitous.

See section 36, *ante*, as to the appointment of an officer or officers to enforce byelaws under the Act. And section 38 of 39 & 40 Vict. c. 79, as to by whose direction proceedings are to be commenced. Also section 92, *post*, and 36 & 37 Vict. c. 86, s. 23, as to the recovery of penalties.

It shall be lawful for Her Majesty, by order in council, to sanction the said byelaws, and thereupon the same shall have effect as if they were enacted in this Act.

All byelaws sanctioned by Her Majesty in council under this section shall be set out in an appendix to the annual report of the education department.

See section 22 of 36 & 37 Vict. c. 86, *post*, with regard to the information, which may be required by a school board, as to attendance under byelaws.

As to a school committee making byelaws, and the enforcement of byelaws, see 39 & 40 Vict. c. 79, s. 21, *post*, in part repealed by 43 & 44 Vict. c. 23, s. 6, *post*, section 3 of which Act enables the school attendance committee to make byelaws, without the requisition of the parish.

As to byelaws of a dissolved school board, see 39 & 40 Vict. c. 79, s. 41.

MISCELLANEOUS.

Application of small endowments.

75. Where any school or any endowment of a school was excepted from the Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment may frame and submit to the education department a scheme respecting such school or endowment.

The education department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under the Endowed Schools Act, 1869; and such scheme, when approved by the education department, shall have effect as if it were a scheme made under that Act.

82 THE ELEMENTARY EDUCATION ACT, 1870.

A certificate of the education department that a school was at the commencement of the Endowed Schools Act, 1869, in receipt of an annual parliamentary grant shall be conclusive evidence of that fact for all purposes,

By section 7 of the Endowed Schools Act, 1869 (32 & 33 Vict. c. 56), "the term 'governing body' means any body corporate, persons or person who have the right of holding, or any power of government of or management of any endowment, or, other than as master, over any endowed school, or have any power other than as master, of appointing officers, teachers, exhibitioners or others, either in an endowed school, or with emoluments out of any endowment."

By section 8 (3), the Act shall not apply "to any school which at the commencement of this Act (2nd August, 1869) is in receipt of an annual grant out of any sum of money appropriated by parliament to the civil service, intituled 'For Public Education in Great Britain,' or to the endowment thereof, unless such school is a grammar school, as defined by the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter seventy-seven, or a school, a department of which only is in receipt of such grant."

By section 3 of the Endowed Schools Act, 1873 (36 & 37 Vict. c. 87), it is provided:—

"Where an endowed school, not being a grammar school, is defined by the Act of the session of 3 & 4 Vict. c. 77, or a department of such a grammar school, is at the commencement of this Act" (the 1st of September, 1873) "an elementary school within the meaning of the Elementary Education Act, 1870, and the gross average annual income of the aggregate educational endowments of such school during the three years next before such commencement did not exceed one hundred pounds in such case after the commencement of this Act nothing in the principal Act" (32 & 33 Vict. c. 56) "shall apply to such school or the endowments thereof, and section 75 of the Elementary Education Act, 1870, shall apply to such school and the endowments thereof in like manner as if it were a school which, at the commencement of the principal Act, was in receipt of an annual parliamentary grant, and schemes may accordingly be framed, submitted, and approved under the said section with reference to such schools and endowments."

"Provided that nothing in this section shall prevent the commissioners from making, on the application of the governing body of an endowment of which part only is an educational endowment to which this section applies, a scheme dealing, in pursuance of the principal Act, with the part of such endowment applicable or applied to other charitable uses, and in such case the scheme may deal with the endowed school and endowment thereof in like manner as if this section had not been enacted."

"The governing body of every school to which this section applies may, if they think fit, charge such fees to the scholars as may from time to time be approved by the committee of council on education, and shall permit the school to be inspected, and the scholars therein to be

examined by one of Her Majesty's inspectors of schools at such times and in such manner as the committee of council on education may from time to time direct.

"The certificate of the charity commissioners for England and Wales that a school is or is not a school to which this section applies shall be conclusive evidence of the fact for the purposes of the principal Act and this section."

By 3 & 4 Vict. c. 77, s. 25, the word (*sic*) 'grammar school' shall mean and include all endowed schools, whether of royal or other foundation, endowed or maintained for the purpose of teaching Latin and Greek, or either of such languages, whether in the instrument of foundation or endowment, or in the statutes or decree of any court of record, or in any Act of parliament establishing such school, or in any other evidences or documents such instruction shall be expressly described, or shall be described by the word 'grammar,' or any other form of expression which is or may be construed as intending Greek or Latin, and whether by such evidences or documents as aforesaid, or in practice such instruction be limited exclusively to Greek or Latin, or extended to both such languages, or to any other branch or branches of literature or science in addition to them or either of them;" and "the words 'grammar school' shall not include schools not endowed, but shall mean and include all endowed schools which may be grammar schools by reputation, and all other charitable institutions and trusts so far as the same may be for the purpose of providing such instruction as aforesaid."

The powers of the commissioners as to the reorganization of endowed schools are contained in sections 9 to 30, inclusive, of the Endowed Schools Act, 1869.

As to the power of a school board to accept gifts for educational purposes, see 36 & 37 Vict. c. 86, s. 13, *post*.

Inspection of voluntary schools by inspector not one of Her Majesty's inspectors.

76. Where the managers of any public elementary school not provided by a school board, desire to have their school inspected or the scholars therein examined, as well in respect of religious as of other subjects, by an inspector other than one of Her Majesty's inspectors, such managers may fix a day or days not exceeding two in any one year for such inspection or examination.

The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school.

On any such day any religious observance may be prac-

84 THE ELEMENTARY EDUCATION ACT, 1870.

tised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parent from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day.

See as to withdrawal, section 7, *ante*.

Parish divided by boundaries of boroughs.

77. Where a parish is situate partly within and partly without a borough, the part situate outside of the borough shall be taken to be for all the purposes of this Act, except as otherwise expressly mentioned, a parish by itself, and the ratepayers thereof may meet in vestry in the same manner in all respects as if they were the inhabitants of a parish; every such meeting, and also the meeting for the purposes of this Act of the ratepayers of any parish (the ratepayers of which have not usually met in vestry), shall be deemed to be a vestry, and, save as provided by this Act, be subject to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same, and, subject as aforesaid, shall be summoned by the persons and in the mode prescribed by the education department; and the overseers of the whole parish shall be deemed to be the overseers of any such part of a parish.

This section does not give the overseers power to levy a rate in part of a parish; but under section 56 the school board may appoint an officer or officers to levy the necessary rate.

Now, however, the 39 & 40 Vict. c. 79, s. 49, *post*, gives further powers in this behalf.

The Vestries Act, 58 Geo. 3, c. 69, is amended by the 59 Geo. 3, c. 85; 1 Vict. c. 45; and 16 & 17 Vict. c. 65. The whole of these Acts will be found in Glen's Poor Law Statutes.

Education department may apply to charity commissioners under 16 & 17 Vict. c. 137, &c.

78. The education department shall, for the purposes of the Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

With regard to this section, see section 22, *ante*, and the note thereon.

For the Charitable Trusts Acts, 1853 to 1869, see Appendix, pp. 232—238.

Ascertaining rateable value.

79. The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in the valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district; and the overseers and other persons having the custody of such valuation lists and rate book shall, when required by the school board, produce such lists and rate book to the school board, and allow the school board and any person appointed by them to inspect the same, and take copies of or extracts therefrom.

As regards this section, see 36 & 37 Vict. c. 86, ss. 7, 16, *post*.

As to the custody of valuation lists, see 31 & 32 Vict. c. 122, s. 30; and 32 & 33 Vict. c. 67, s. 68.

The valuation lists mentioned in this section are the valuation lists approved by the assessment committee, and in force for the time being. It is the *poor rate* that is in force, and not the rate book, which may contain many rates. The last poor rate duly made, allowed, and published is the rate which is in force, and it remains in force till another is made.

Mode of publication of notices.

80. *Notices and other matters required by this Act to be published shall, unless otherwise expressly provided, be published—*

- (1.) *By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates;*
- (2.) *By causing a copy of such notices or other matter to be published to be affixed, during not less than twelve hours in the day, on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed, and at every other place in such district or place at which notices are usually affixed.*

This section is now repealed by 36 & 37 Vict. c. 86, s. 28, and the substituted provision is contained in section 20 of that Act.

Notices may be served by post.

81. Certificates, notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may, unless otherwise expressly provided, be served and sent by

86 THE ELEMENTARY EDUCATION ACT, 1870.

post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid and properly addressed, and put into the post.

Notices to and by school board.

82. Certificates, notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board.

No express power is given to the school board by the Act to provide an office, but the expense of providing an office would be an expense payable out of the school fund, under section 53, *ante*. But see note to section 19, *ante*.

Certificates, notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

See 31 & 32 Vict. c. 87, s. 2, in the Appendix, p. 245, as to proof of handwriting of signature not being required; and as to forging certificates, see 36 & 37 Vict. c. 86, s. 25, *post*.

Evidence of orders, &c., of education department.

83. All orders, minutes, certificates, notices, requisitions, and documents of the education department, if purporting to be signed by some secretary or assistant secretary of the education department, shall until the contrary is proved, be deemed to have been so signed and to have been made by the education department, and may be proved by the production of a copy thereof purporting to have been so signed.

The Documentary Evidence Act, 1868, shall apply to the education department in like manner as if the education department were mentioned in the first column of the schedule to that Act, and any member of the education department, or any secretary or assistant secretary of the

education department, were mentioned in the second column of that schedule.

See the Documentary Evidence Act, 31 & 32 Vict. c. 87, in the Appendix, p. 245.

This section is applied by 39 & 40 Vict. c. 79, s. 45, *post*.

Effect of requisitions of education department.

84. After the expiration of three months from the date of any order or requisition of the education department under this Act such order or requisition shall be presumed to have been duly made, and to be within the powers of this Act, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

This section is applied by 39 & 40 Vict. c. 79, s. 45, *post*.

See *Reg. v. Sankey*, in note to section 90, *post*.

Appearance of school board.

85. A school board may appear in all legal proceedings by their clerk, or by some member of the board authorized by a resolution of the board; and every such resolution shall appear upon the minutes of the proceedings of the board, but every such resolution shall, until the contrary is proved, be deemed in any legal proceeding to appear upon such minutes.

Further, with regard to this section, see 36 & 37 Vict. c. 86, ss. 23, 24, *post*.

*Tenure of teacher and his removal from house under
sects. 17 & 18 of 4 & 5 Vict. c. 88.*

86. The provisions of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts.

The School Sites Acts will be found in the Appendix, pp. 214—232.

88 THE ELEMENTARY EDUCATION ACT, 1870.

Ratepayer may inspect books, &c., of school board.

87. Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of and extracts from all books and documents belonging to or under the control of the school board of such district.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable, on summary conviction, to a penalty not exceeding five pounds for each offence.

See the definition of the term "ratepayer," *ante*, p. 8, and note thereon.

Penalty for making incorrect return.

88. If any returning officer, clerk, or other person engaged in an election of a school board under this Act wilfully makes or causes to be made an incorrect return of the votes given at such election, every such offender shall, upon summary conviction, be liable to a penalty not exceeding fifty pounds.

As regards the appointment of officers to conduct elections of school boards, see Article 1 of the first part of the second schedule, *post*.

Penalty on personation of voter.

89. If any person wilfully personates any person entitled to vote in the election of a school board under this Act, or answers falsely any question put to him in voting in pursuance of an order made under the second schedule to this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, he shall be liable, on summary conviction, for every such offence to a penalty not exceeding twenty pounds.

This section is now repealed by 36 & 37 Vict. c. 86, s. 28.

Penalty for forging or falsifying any voting paper or obstructing the election.

90. If any person [knowingly personate and falsely assume to vote in the name of any person entitled to vote in any election

under this Act, or forge or in any way falsify any name or writing in any paper purporting to contain the vote or votes of any person voting in any such election, or] by any contrivance attempt to obstruct or prevent the purposes of any such election, or wilfully contravene any regulation made by the education department under the second schedule to this Act with respect to the election, the contravention of which is expressed to involve a penalty, the person so offending shall upon summary conviction be liable to a penalty of not more than fifty pounds, and in default of payment thereof to be imprisoned for a term not exceeding six months.

The words of this section printed in italics are repealed by 36 & 37 Vict. c. 86, s. 28. See section 23 of that Act as to the recovery of penalties.

The orders of the education department regulating the election of school boards in boroughs and parishes contain a clause to the effect that "the provisions of sections 3, 4, 11, and 24 of the Ballot Act, 1872," shall be deemed to be regulations contained in the order, which involve a penalty within the meaning of this section.

The sections of the Ballot Act to be deemed regulations contained in the orders, are as follows:—

Offences in respect of Nomination Papers, Ballot Papers, and Ballot Boxes.

Every person who—

- (1.) Forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper, knowing the same to be forged; or,
- (2.) Forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or,
- (3.) Without due authority supplies any ballot paper to any person; or,
- (4.) Fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or,
- (5.) Fraudulently takes out of the polling station any ballot paper; or,
- (6.) Without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

shall be guilty of a misdemeanor, and be liable, if he is a returning officer, or an officer or clerk in attendance at a polling station, to imprisonment for any term not exceeding two years, with or without hard labour, and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

90 THE ELEMENTARY EDUCATION ACT, 1870.

“Any attempt to commit any offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

“In any indictment or other prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes, and instruments may be stated to be in the returning officer at such election, as well as the property in the counterfoils” (section 3).

Infringement of Secrecy.

“Every officer, clerk, and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, and no such officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote. Every person who acts in contravention of the provisions of this section shall be liable on summary conviction before two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour” (section 4).

Liability of Officers for Misconduct.

“Every returning officer, presiding officer, and clerk who is guilty of any wilful misfeasance or any wilful act or omission in contravention of this Act shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act, or omission, a penal sum not exceeding one hundred pounds.

“Section 50 of the Representation of the People Act, 1867 (which relates to the acting of any returning officer, or his partner or clerk, as agent for a candidate), shall apply to any returning officer or officer appointed by him in pursuance of this Act, and to his partner or clerk” (section 11).

Definition and Punishment of Personation.

The following enactments shall be made with respect to personation at parliamentary and municipal elections :—

“A person shall for all purposes of the laws relating to parliamentary and municipal elections be deemed to be guilty of the offence of personation who at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who having voted once at any such election applies at the same election for a ballot paper in his own name.

“The offence of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, shall be a felony, and any person convicted thereof shall be punished by imprisonment for a term not exceeding two years, together with hard labour. It shall be the duty of the returning officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling, or procuring the commission of the offence of personation by any person, at the election for which he is returning officer, and the costs and expenses of the prosecutor and the witnesses in such case, together with compensation for their trouble and loss of time, shall be allowed by the court in the same manner in which courts are empowered to allow the same in cases of felony.

“The provisions of the Registration Acts, specified in the third schedule to this Act, shall in England and Ireland respectively apply to personation under this Act in the same manner as they apply to a person who knowingly personates and falsely assumes to vote in the name of another person as mentioned in the said Acts.

“The offence of personation shall be deemed to be a corrupt practice within the meaning of the Parliamentary Elections Act, 1868.

“If, on the trial of any election petition questioning the election or return for any county or borough, any candidate is found by the report of the judge by himself or his agents to have been guilty of personation, or by himself or his agents to have aided, abetted, counselled, or procured the commission at such election of the offence of personation by any person, such candidate shall be incapable of being elected or sitting in parliament for such county or borough during the parliament then in existence” (section 24) (a).

As to proceedings for penalties, see 36 & 37 Vict. c. 86, ss. 23 and 24, *post*.

The Elementary Education Act, 1870, s. 90, and 36 & 37 Vict. c. 86, second schedule do not include the offences of personation at the voting for a resolution for application for a school board; and an order in council purporting to be made under these Acts and imposing a penalty upon a person guilty of such an offence was held to be invalid, and was not cured or made valid by the operation of section 84. *Reg. v. Sankey*, L. R. 3 Q. B. D. 379; 47 L. J. M. C. 96; 42 J. P. 709.

(a) With reference to these provisions see Glen's "Ballot Act, 1872. Second Edition, published by Shaw & Sons.

92 THE ELEMENTARY EDUCATION ACT, 1870.

Corrupt practices.

91. Any person who at the election of any member of a school board or any officer appointed for the purpose of such election is guilty of corrupt practices shall, on conviction, for each offence be liable to a penalty not exceeding two pounds, and be disqualified for the term of six years after such election from exercising any franchise at any election under this Act, or at any municipal or parliamentary election.

The term corrupt practices in this section includes all bribery, treating, and undue influence which under any Act relating to a parliamentary election renders such election void.

Further, with regard to disqualification for corrupt practices, see 36 & 37 Vict. c. 86, s. 8, *post*.

The provisions in sections 89 and 90 of this Act, it will be seen, are much more stringent than those in 14 & 15 Vict. c. 105, s. 8, with regard to malpractices at elections of guardians.

The following acts by the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102), are "bribery, treating, and undue influence."

Bribery by the Briber.

- I.—1. Every person who shall
 2. Directly—indirectly—by himself—by any person on his behalf
 3. Give—lend—agree to give—agree to lend—offer—promise—promise to procure—promise to endeavour to procure
 4. Any money—any valuable consideration
 5. To or for any voter—to or for any person on behalf of any voter—to or for any other person
 6. In order to induce any voter to vote or refrain from voting—corruptly on account of any voter having voted or refrained from voting.
- II.—1. Every person who shall
 2. Directly—indirectly—by himself—by any other person on his behalf
 3. Give—procure—agree to give—agree to procure—offer—promise—promise to procure—promise to endeavour to procure
 4. Any office—any place—any employment
 5. To or for any voter—to or for any person on behalf of any voter—to or for any other person.
 6. In order to induce such voter to vote or refrain from voting—corruptly on account of any voter having voted or refrained from voting.
- III.—1. Every person who shall make
 2. Directly—indirectly—by himself—by any other person on his behalf

3. Any such gift—loan—offer—promise—procurement—or agreement as aforesaid
4. To or for any person
5. In order to induce such person
6. To procure—to endeavour to procure
7. The return of any person—the vote of any voter.

- IV.—1. Every person who shall
2. Advance—pay—cause to be paid
 3. Any money
 4. To any other person—to the use of any other person
 5. With the intent that
 6. Such money—any part of such money
 7. Shall be expended in bribery.

- V.—1. Every person who shall
2. Knowingly pay—knowingly cause to be paid
 3. Any money
 4. To any person
 5. In discharge—in repayment
 6. Of money wholly or in part extended in bribery.

Bribery by the Bribed.

- I.—1. Every person who shall upon or in consequence of
2. Any gift—loan—offer—promise—procurement—agreement
 3. Procure—engage—promise to procure—endeavour to procure
 4. The return of any person—the vote of any voter.

- II.—1. Every voter who shall
2. Before any election—during any election
 3. Directly—indirectly—by himself—by any other person on his behalf
 4. Receive—agree for—contract for
 5. Any money—gift—loan—valuable consideration—office—place—employment
 6. For himself—for any other person
 7. For voting—for agreeing to vote—for refraining from voting—for agreeing to refrain from voting.

- III.—1. Every person who shall after any election
2. Directly—indirectly—by himself—by any other person on his behalf
 3. Receive
 4. Any money—any valuable consideration
 5. On account of
 6. Any person having voted—any person having refrained from voting—having induced any other person to vote or to refrain from voting.

94 THE ELEMENTARY EDUCATION ACT, 1870.

Treating.

1. Every candidate at an election who shall *corruptly*
2. By himself—by any person—with any person—by any ways or means on his behalf
3. At any time before any election—at any time during any election—at any time after any election
4. Directly—indirectly
5. Give—provide—cause to be given—cause to be provided—be accessory to the giving or providing—pay wholly or in part any expenses incurred for
6. Any meat—any drink—any entertainment—any provision
7. To or for any person
8. In order to be elected—for being elected—for the purpose of corruptly influencing such person to give or refrain from giving his vote—for the purpose of corruptly influencing any other person to give or refrain from giving his vote—on account of such person having voted or refrained from voting—on account of such person being about to vote or refrain from voting.

Per MELLOR, J.—“If refreshments were given to friends *bona fide* for the purpose of hospitality, without any idea of influencing an election, it would not be an offence.” Where, however, refreshments are supplied to persons in order to influence their votes, even though their votes are not asked, it is treating within the Act: *Turnbull v. Welland*, 24 L. T. (N.S.) 730; 36 J. P. 212. In that case the candidate at a school board election went with a friend to a public-house where several voters were present, and the friend brought on a discussion as to education, and suggested the candidate as the right man to represent the district; and the candidate treated some of the voters to drink after addressing them as a candidate. He was, however, not elected; but was held to have been properly convicted.

A conviction for an offence against section 91 of the Act of 1870, on an information that the person so convicted had been guilty of “corrupt practices contrary to the sub-section of section 91 of the Elementary Education Act, 1870” was held to be bad for that the offence ought to have been specified and the time and place mentioned in the information: *Reg. v. Ingall*, 42 L. T. (N.S.) 533; 44 J. P. 552.

Upon appeal against a conviction for treating at a school board election, it was contended that it was not the intention of parliament that disfranchisement for six years should be inflicted on a mere summary conviction. Lord COLERIDGE, however, pointed out that it was not the magistrate who inflicted the disfranchisement. It was only the statutory consequence of a conviction for the pecuniary penalty. It was not the less within the jurisdiction of the magistrates because disfranchisement was to follow. *The Justices of Lincolnshire, in re Gaunt*, Q. B. D. —*The Times*, 13th December, 1880, s. c.; *Reg. v. Gaunt*, 43 L. T. (N.S.) 696; 44 J. P. 812.

Recovery of penalties. (11 & 12 Vict. c. 48.)

92. Any penalty and any money which under this Act is recoverable summarily, and all proceedings under this Act which may be taken in a summary manner, may be recovered and taken before two justices in manner directed by an Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same.

The Act 11 & 12 Vict. c. 43, will be found at length, with notes of the cases decided upon it, together with the Summary Jurisdiction Act of 1879 in Mr. W. C. Glen's Summary Jurisdiction Acts, fourth edition. See also 36 & 37 Vict. c. 86, ss. 23, 24, *post*, as to the penalties.

Provision as to Oxford.

93. In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council; if a school board is formed in the borough of Oxford, one-third of the school board shall be elected by the university of Oxford, or the colleges and halls therein, in such manner as may be directed by the education department by an order made under the power contained in the second schedule to this Act.

The local board of Oxford is the local board under the Local Government Act, 1858 (21 & 22 Vict. c. 98), which, by section 82 of that Act, consists of the vice-chancellor of the university of Oxford, and the mayor of Oxford for the time being, and forty-five other commissioners, fifteen to be elected by the university of Oxford, sixteen by the town council of Oxford, and fourteen by the ratepayers of the parishes situated within the jurisdiction of the Oxford commissioners.

By this section the local board of Oxford are substituted for the council of the borough, in respect of any application to the education department under section 12 (1), *ante*. See also section 31, *ante*, as to the election of school boards.

96 THE ELEMENTARY EDUCATION ACT, 1870.

Effect of schedules.

94. The schedules to this Act shall be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

Returns by school board.

95. Every school board shall make such report and returns and give such information to the education department as the department may from time to time require.

Further with regard to returns, see 39 & 40 Vict. c. 79, s. 43, *post*.

(II.) PARLIAMENTARY GRANT.

Parliamentary grant to public elementary school only.

96. After the thirty-first day of March, one thousand eight hundred and seventy-one, no parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act.

See the definition of a public elementary school, section 7, *ante*, p. 5.

No parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the education department for enabling them to decide on the application, and sent to the education department on or before the thirty-first day of December, one thousand eight hundred and seventy.

As the school boards under this Act are enabled to build, enlarge, and fit up elementary schools at the charge of the ratepayers of the respective districts, hence this provision, that all parliamentary grants for such purposes should cease, unless the preliminary steps to obtain such grants were taken on or before the 31st December, 1870.

The conditions on which building grants for elementary schools are made by the education department are contained in Chapter I. of the New Code of 1881, and Articles 22—37 of the Code of 1870.

For the rules to be observed in planning and fitting up schools, see the Appendix, p. 521.

Further, with regard to parliamentary grants, see 39 & 40 Vict. c. 79, s. 18, *post*.

Conditions of annual parliamentary grant.

97. The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the education department in force for the time being, and shall amongst other matters provide that after the thirty-first day of March, one thousand eight hundred and seventy-one—

(1.) Such grant shall not be made in respect of any instruction in religious subjects :

(2.) *Such grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions, and from school fees, and from any sources other than the parliamentary grant ;*

but such conditions shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school, and shall not give any preference or advantage to any school on the ground that it is or is not provided by a school board :

Provided that where the school board satisfy the education department that in any year ending the twenty-ninth of September the sum required for the purpose of the annual expenses of the school board of any school district, and actually paid to the treasurer of such board by the rating authority, amounted to a sum which would have been raised by a rate of threepence in the pound on the rateable value of such district, and any such rate would have produced less than twenty pounds, or less than seven shillings and sixpence per child of the number of children in average attendance at the public elementary schools provided by such school board, such school board shall be entitled, in addition to the annual parliamentary grant in aid of the public elementary schools provided by them, to such further sum out of moneys provided by parliament as, when added to the sum actually so paid by the rating authority, would, as the case may be,

98 THE ELEMENTARY EDUCATION ACT, 1870.

make up the sum of twenty pounds, or the sum of seven shillings and sixpence for each such child, but no attendance shall be reckoned for the purpose of calculating such average attendance unless it is an attendance as defined in the said minutes :

Provided that no such minute of the education department not in force at the time of the passing of this Act shall be deemed to be in force until it has lain for not less than one month on the table of both houses of parliament.

The words of this section printed in italics are repealed by 39 & 40 Vict. c. 79, s. 19, *post*. The regulations as to grants to maintain schools are contained in the second chapter of the New Code of 1881. Further, with regard thereto, see 39 & 40 Vict. c. 79, s. 19, *post*.

Refusal of grant to unnecessary schools.

98. If the managers of any school which is situate in the district of a school board acting under this Act, and is not previously in receipt of an annual parliamentary grant, whether such managers are a school board or not, apply to the education department for a parliamentary grant, the education department may, if they think that such school is unnecessary, refuse such application.

The education department shall cause to be laid before both houses of parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

The education department by a minute on the 7th of August, 1876, resolved, "that with a view to remove any doubt as to the discretion which may be exercised by the education department in administering the parliamentary grant so as to prevent the multiplication of unnecessary schools, and to secure uniformity, economy, and efficiency in the distribution of the grant, it is expedient to provide by the new code that no annual grants shall be made for or in respect of *any school* to which such grants have not previously been made, if the education department think that the school is unnecessary."

The committee of council on education, upon the 21st of June, 1878, provided as follows:

"1. A school situated in a district which is not under a school board shall not be deemed to be unnecessary if it has, for the previous twelve months, been recognized by the department as a 'certified efficient

school' (Elementary Education Act, 1876, s. 48), and has had, during that period, an average attendance (Article 26) of not less than 30 scholars.

"2. No grant will be made to any such school as aforesaid—

(a.) For the first twelve probationary months;

(b.) For any period before the appointment of a certificated teacher; or

(c.) If the population of the school district, or within two miles by the nearest road of the school, is less than 300 souls, for whom another school aided under Article 19D of the Code is available."

The Code above referred to is the New Code of 1878, which is no longer in force, Articles 26 and 19 D of the New Code of 1881 are, however, precisely similar to those mentioned.

Power of schools to take parliamentary grants.

99. The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

REPORT.

Annual report of education department.

100. The education department shall in every year cause to be laid before both houses of parliament a report of their proceedings under this Act during the preceding year.

100 THE ELEMENTARY EDUCATION ACT, 1870.

FIRST SCHEDULE (a).

School District.	School Board.	Local Rate.	Rating Authority.
The metropolis -	The school board appointed under this Act.	In the City of London the consolidated rate (b).	The commissioners of sewers.
		In the parishes mentioned in schedule A. and the districts mentioned in schedule B. to the Metropolis Management Act, 1855, the general rate, and fund raised by the general rate (c).	In the parishes the vestry, and in the districts the district board.
		In places mentioned in schedule C. to the said Act, the rate levied for the purposes of the Metropolitan Poor Act, 1867, and any Act amending the same (d).	The masters of the bench, treasurer, governors, or other persons who have the chief control or authority in such place.
Boroughs, except Oxford.	The school board appointed under this Act.	The borough fund or borough rate (e).	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board (f).	The local board.
Parishes not included in any of the above-mentioned districts.	The school board appointed under this Act.	The poor rate (g).	The overseers (h).

(a) See section 4, *ante*, and section 37 (10), *ante*, and section 94, *ante*.

(b) See 32 & 33 Vict. c. 102, s. 22.

(e) See 5 & 6 Will. 4, c. 76, ss. 48, 92.

(c) See 18 & 19 Vict. c. 120, s. 158.

(f) See 28 & 29 Vict. c. 108, s. 8.

(d) See 30 Vict. c. 6, s. 66.

(g) See 43 Eliz. c. 2, s. 1.

(h) The term "overseer" will include the churchwardens in the case of a parish. See 43 Eliz. c. 2, s. 1.

SECOND SCHEDULE. (i).

FIRST PART.

Rules respecting election and retirement of members of a school board.

1. *The election of a school board shall be held at such time and in such manner, and in accordance with such regulations as the education department may from time to time by order prescribe, and the education department may by order appoint or direct the appointment of any officers requisite for the purpose of such election, and do all other necessary things preliminary or incidental to such election: Provided, that any poll shall be taken in the metropolis in like manner as a poll is taken under "The Metropolis Management Act, 1855," and shall be taken in any other district in like manner as a poll of burgesses or ratepayers (as the case may be) is usually taken in such district.*

The above rule is now repealed by 36 & 37 Vict. c. 86, s. 28. But see section 6 of that Act, *post*.

2. *The expenses of the election and taking the poll in any district other than the metropolis shall be paid by the school board out of the school fund.*

As regards the school fund, see section 53, *ante*.

Though it is not necessary that the person employed as returning officer at the first election of a school board should be a solicitor, yet if he be so, the school board may have his bill taxed in the usual way before paying it: *Re Jones*, 41 L. J. Ch. 367; L. R. 13 Eq. 336.

With reference to election expenses the following circular letter was issued by the education department on the 15th September, 1875:—

‘I am directed to call your attention to the duty of conducting school board elections cast upon you by statute and to some of the difficulties which have arisen in fulfilling that duty.

“You are probably aware that dissatisfaction has been expressed in some quarters in consequence of the amount of the charges made in certain cases by some returning officers, and it has been suggested, that in order to avoid similar objections in future, it would be expedient to lay down a certain scale of charges.

(i) See section 31 (2), *ante*, p. 37.

102 THE ELEMENTARY EDUCATION ACT, 1870.

"With the view of attaining this result I am to state that the following rules which have been settled after consultation with the local government board will be in future adopted by this department in determining the charges for conducting school board elections.

"1. In publishing the various notices required to be published by the order regulating the election, you will refrain henceforth from publishing these notices in any *newspaper*, and you will perceive that the order for publication in a newspaper is *not* required, and the expense of so doing will henceforth be disallowed.

"2. In making out a bill of charges, the returning officer must set forth—*first*, the sum total charged for personal trouble, which may be regarded as his fee; and *secondly*, the various items charged in respect of sums actually disbursed or to be disbursed by him.

"*As to the first*—If the election is uncontested, the fee or sum charged for personal trouble must not exceed 5*l.* 5*s.*

"*It will be observed that in this communication, the charge fixed is a maximum. It must therefore depend upon circumstances whether this maximum should be charged in each case.*

"If the election be contested, and there is only one polling station, the fee must *not exceed* 10*l.* 10*s.*, and my lords consider that if there is more than one polling-station, the maximum sum to be charged should not exceed 5*l.* 5*s.* for each polling-station *after the first*.

"*As to the second*—The number of polling-stations must not exceed in boroughs one for each ward, and in parishes must not exceed one for every 1,000 persons entitled to vote as shown by the rate-book. But in either case, the number may be increased by special application to the education department.

"There must be only one presiding officer at a fee not exceeding 2*l.* 2*s.* for each polling-station, and not more than two clerks at a fee not exceeding 1*l.* for the first, and 15*s.* for the other. One of the clerks may also be appointed as a deputy to act for the presiding officer in case of emergency. No money for refreshments must be paid to the returning or presiding officer or to any of the persons employed.

"The counting of the votes need not take place the same evening, if it cannot be completed before nine o'clock.

"If the counting cannot be completed the same evening, a sum not exceeding 1*l.* will be allowed to any presiding officer so employed, and 15*s.* to each of the clerks.

"If the rate-book requires to be *copied* and *arranged alphabetically*, the expense will be calculated upon the principle that not less than 30 names of voters can be arranged and written in an hour, and the returning officer will be allowed to charge at the rate of one half-penny for each name.

"Unless the leave of the education department has been *previously and specially obtained*, no expenses for making an alphabetical list of the rate-book will be allowed in any case in which there has been no poll. It is considered that the six clear days allowed by the order for election give sufficient time to enable the returning officer to prepare such list.

"With respect to ballot-boxes and other fittings, I am to remind you that in boroughs those provided for municipal elections must be used for the school board elections, free of charge (section 14, Ballot Act).

"As to parishes, if ballot-boxes and fittings have been provided for a school board election in a parish, my lords think that an arrangement should be made by which the same ballot-boxes and fittings should be used in a school board election in any other parish in the same union.

"The ballot-boxes and other fittings of course belong to the school board of the parish which paid for them, but each parish which uses them would no doubt be willing to pay a certain sum for the privilege of using them."

3. An order made by the education department under the power contained in this part of this schedule shall, as regards any election held before the first day of September, one thousand eight hundred and seventy-one, be deemed to be within the powers of this schedule, and to have been duly made and have effect as if it were enacted in this schedule, but shall not be of any force as regards any election after the said date unless it has been confirmed by parliament.

By 35 & 36 Vict. c. 59, s. 1, the words "one thousand eight hundred and seventy-three" shall be substituted for the words "one thousand eight hundred and seventy-one" in the second schedule of the Elementary Education Act, 1870. By the previous Act it was enacted that 1872 should be substituted for 1871. Provided that the education department may by any such order direct any poll to be taken in like manner as any poll at a municipal election may be taken in pursuance of any Act passed during the present session of parliament.

The above rule is now repealed by 36 & 37 Vict. c. 86, s. 28. But see section 6 of that Act, *post*.

4. Any such order so far as relates to the metropolis shall supersede any provisions contained in the Acts relating to the election of common councilmen, and in the Metropolis Management Act, 1855, and the Acts amending the same.

5. If from any cause no members are elected at the time at which they ought to be elected in accordance with this Act, then—

(a.) In the case of the first election the education department may appoint another day for the election, or may proceed as in the case of a school board in default.

104 THE ELEMENTARY EDUCATION ACT, 1870.

(b.) In the case of a triennial election the retiring members, or so many as are willing to serve, shall be deemed to be re-elected, or, if all the retiring members refuse to serve, the education department may appoint another day for the election, or may proceed as in the case of a school board in default.

As to school boards in default, see section 32, *ante*, and section 63, *ante*.

6. If an insufficient number of members are elected, or if, in the case of no members being elected, some of the retiring members are and some are not willing to serve, the school board, so far as it is constituted, shall elect a person to fill each vacancy.

7. No election under this Act shall be questioned on the ground of the title of the returning officer, or any person presiding at the poll, or any officer connected with the election.

8. Notice of the election of a person to be a member of the school board shall be sent to that person by the returning officer: in the case of the first election such notice shall be accompanied by a summons to attend the first meeting of the school board at the prescribed time.

9. The day for the triennial retirement of members shall be the prescribed day.

See rule 19, *post*, as to the term "prescribed."

The education department by their order as to boroughs and parishes fix the day for the triennial retirements of members upon the same day of the year as that which is fixed for the election of the school board.

10. The first members shall retire from office on the day for retirement which comes next after the expiration of three years from the day fixed for the first election.

11. Members chosen to fill the offices of retiring members shall come into office on the day for retirement, and shall hold office for three years only.

12. Any person who ceases to be a member of the school

board shall, unless disqualified as hereinafter mentioned, be re-eligible.

See note to rule 14, *infra*.

13. A member of the school board may resign on giving to the board one month's previous notice in writing of his intention so to do.

14. If a member of the school board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished with imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

A member who had absented himself from board meetings for 6 months for a cause not approved by the board, and thereby ceased to be a member, was re-elected at the next election:—*Held*, that he was not disqualified by rule 12: *Reg. v. Turmine*, L. R. 4 Q. B. D. 79; 39 L. T. (S.S.) 255; 43 J. P. 6.

It seems that a member who absents himself from the meetings of the school board from *permanent* illness will not necessarily vacate his office.

The word "crime" will include a felony or misdemeanor; but imprisonment for not obeying an order of justices will not be imprisonment for a "crime."

15. *If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, an election shall be held in manner directed by an order made under the power contained in this part of this schedule.*

This rule has been repealed by 39 & 40 Vict. c. 79, s. 52, Sch. 4, *post*. See also section 44 of that Act, *post*.

16. If by any means the number of members of a school board is reduced to less than the number required for a quorum, the education department may proceed as if such board were a board in default, or may direct an election to be held to fill up the vacancies in manner directed by an order made under the power contained in this part of this schedule.

As to a quorum of members, see the third schedule, Article 1 (*d*), *post*; as to school boards in default, see sections 32 and 63, *ante*; and

106 THE ELEMENTARY EDUCATION ACT, 1870.

as to the order of the education department, see Articles 1 and 3 of this schedule, *ante*.

17. The member chosen to fill up a casual vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

18. If the number of the board is reduced in pursuance of the provisions of this Act, the chairman of the board shall at some meeting, as soon as may be after such reduction, determine by ballot on the members who shall retire, so as to reduce the number of the board to the number to which it is so reduced.

See section 39, *ante*, as to the reduction of the number of members forming a school board.

19. The term "prescribed" in this schedule means prescribed by some minute or order of the education department.

SECOND PART.

Rules respecting resolutions for application for school board.

1. The meeting of a council for the purpose of passing such a resolution shall be summoned in the manner in which a meeting of the council is ordinarily summoned, and the resolution shall be passed by a majority of the members present and voting on the question.

As regards applications by town councils for school boards, see section 12, *ante*.

The mayor of a borough has power to call an extraordinary meeting at any time he may think proper, by causing a notice signed by himself to be fixed on the town hall three days before the day of the intended meeting, stating the time and place thereof. (See *Reg. v. Thomas*, 8 A. & E. 183.) And in case the mayor shall refuse to call any meeting after a requisition for the purpose, signed by five members of the council at the least, shall have been presented to him, it shall be lawful for the

said five members to call a meeting of the council by giving a notice, to be signed by them instead of the mayor, and stating therein the business proposed to be transacted at such meeting; and in every case a summons to attend the council, specifying the business proposed to be transacted at such meeting, signed by the town clerk, shall be left at the usual place of abode of every member of the council, or at the premises in respect of which he is enrolled as a burgess three clear days at least before such meeting; and no business shall be transacted at such meeting other than is specified in the notice (5 & 6 Will. 4, c. 76, s. 69). If the members present and voting on the question be equally divided, the chairman of the meeting shall have a casting vote: *Ibid.*

2. The resolution passed by the persons who would elect the school board shall be passed in like manner as near as may be as that in which a member of the school board is elected, with such necessary modifications as may be contained in any order made under the powers of the first part of this schedule, and such powers shall extend to the passing of the resolution in like manner as if it were an election, but the expenses incurred with reference to such a resolution shall be paid by the overseers out of the poor rate.

As regards the applications for school boards referred to in this article, see section 12, *ante*; and as to the mode of passing the resolution, see the first part of this schedule, rule 1, and the note thereon.

By the orders of the education department, where any question arises between the summoning officer and the overseers as to his expenses, and the remuneration for his services, the questions are to be referred to the education department, whose decision is to be final and conclusive.

3. If a resolution is rejected, the resolution shall not be again proposed until the lapse of twelve months from the date of such rejection.

See, however, section 10, as to the powers of the educational department with regard to the formation of school boards by that department.

THIRD PART.

Rules for election of school board in metropolis.

1. If any person be returned for more than one division he shall, at or before the first meeting of the school board after such election, signify in writing to the board his de-

cision as to the division which he may desire to represent on such return, and if he fails so to do the school board shall decide the division which he shall represent; and upon any such decision the office of member for the other division shall be deemed vacant. Such vacancy shall be filled up by an election to be held in manner directed by an order made under the power contained in the first part of this schedule.

2. The provisions in the first part of this schedule shall apply in the case of the school board in the metropolis.

3. The provisions in the first part of this schedule with respect to the proceedings in the case of no members being elected for a school district shall not only apply to the whole of the metropolis, but shall apply to the case of no members being elected for any particular division, with this qualification, that the education department shall not proceed as in the case of a school board in default, but may direct that persons may be elected by the school board to be members for such division.

4. In the places named in Schedule (C.) to "The Metropolis Management Act, 1855," the expenses of the election shall be paid out of the local rate, and such rate, or any increase of the rate, may be levied for the purpose.

5. The day for the retirement of members from office shall be the first day of December.

6. *Any casual election shall be held on the day fixed by the school board, and shall be an election for the division a member for which has created the vacancy.*

The above rule is now repealed by 39 & 40 Vict. c. 79, s. 52, *post*. And as to elections to fill casual vacancies, see 36 & 37 Vict. c. 86, Sch. II., Rule (2), and 39 & 40 Vict. c. 79, Sch. 3, *post*.

7. If any vacancy is filled up by the school board the election shall be by the whole school board.

THIRD SCHEDULE (a).

PROCEEDINGS OF SCHOOL BOARD.

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions:—

(a.) The first meeting shall be held on the third Thursday after the election of the board, and if not held on that day shall be held on some day to be fixed by the education department:

(b.) *Not less than one ordinary meeting shall be held in each month; one meeting shall be held as soon as possible after every triennial election of members:*

The rule (b) is repealed by 36 & 37 Vict. c. 86, s. 28. For the substituted provision, see section 21, and the 3rd Schedule (b) of that Act, *post*.

(c.) An extraordinary meeting may be held at any time on the written requisition of three members of the board addressed to the clerk of the board:

(d.) The quorum to be fixed by the board shall consist of not less than three members, and in the case of the metropolis not less than nine members:

(e.) Every question shall be decided by a majority of votes of the members present and voting on that question (b):

(f.) *The names of the members present as well as of those voting upon each question, shall be recorded: ~*

(a) See sections 30 (6) and 94, *ante*.

(b) See 36 & 37 Vict. c. 86, Sch. 3 (f.), *post*.

110 THE ELEMENTARY EDUCATION ACT, 1870.

(g). No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the education department, shall be transacted unless notice in writing of such business has been sent to every member of the board seven days at least before the meeting.

The rules *(f.)* and *(g.)* are repealed by 36 & 37 Vict. c. 86, s. 28. For the substituted provisions, see section 21, and the 3rd Schedule of that Act *(f.)* and *(g.)*, *post.*

2. The board shall at their first meeting, and afterwards from time to time at their first meeting after each triennial election, appoint some person to be chairman, and one other person to be vice-chairman, for the three years for which the board hold office.

In the case of a school board not in the metropolis, the person appointed chairman must be a member of the board, and the education department have given it as their opinion that the chairman and vice-chairman, of school boards other than that of London, must be chosen from the members of the board.

3. If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy, and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present then the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting the chair-

man for the time being of such meeting shall have a second or casting vote.

6. All orders of the board for payment of money, and all precepts issued by the board, shall be deemed to be duly executed if signed by two or more members of the board authorized to sign them by a resolution of the board, and countersigned by the clerk; but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorized to sign them.

7. The appointment of any officer of the board may be made by a minute of the board, signed by the chairman of the board, and countersigned by the clerk (if any) of the board, and any appointment so made shall be as valid as if it were made under the seal of the board.

See note to section 35, *ante*, and 33 & 34 Vict. c. 97, s. 29.

8. Precepts of the board may be in the form given at the end of this schedule.

PROCEEDINGS OF MANAGERS APPOINTED BY A SCHOOL BOARD.

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. The managers may meet and adjourn as they think proper. The quorum of the managers shall consist of such number of members as may be prescribed by the school board that appointed them, or, if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

112 THE ELEMENTARY EDUCATION ACT, 1870.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

See section 15, *ante*, as to the latter part of this schedule.

This rule is applied by 39 & 40 Vict. c. 79, Sch. 2, Rule 3, *post*.

Form of precept.

School district of to wit.

To the council [*or* overseers, &c.] of the borough [*or* parish] of . These are to require you, the council [*or* overseers] of the borough [*or* parish] of , from and out of the moneys in the hands of your treasurer [*or* your hands], to pay on or before the day of into the hands of *A. B.*, treasurer of the school board of the said district, the sum of being the amount required for the expenses of the said school board up to the of 18 ; and if there are no moneys in the hands of your treasurer [*or* your hands] to raise the same by means of a rate.

(Signed)

C. D., } Members of the school board
E. F. } of the district of .
G. H., Clerk of the said school board.

FOURTH SCHEDULE (a.)

SCHOOL SITES ACTS.

The following Acts may be cited together as the "School Sites Acts, 1841 to 1851."

Year and Chapter of Act.	Title of Act.	Short Title by which Acts may be cited.
4 & 5 Vict. c. 38	An Act to afford further facilities for the conveyance and endowment of sites for schools.	The School Sites Act, 1841.
7 & 8 Vict. c. 37	An Act to secure the terms on which grants are made by Her Majesty out of the parliamentary grant for the education of the poor; and to explain the Act of the fifth year of Her present Majesty, for the conveyance of sites for schools.	The School Sites Act, 1844.
12 & 13 Vict. c. 49	An Act to extend and explain the provisions of the Acts for the granting of sites for schools.	The School Sites Act, 1849.
14 & 15 Vict. c. 24	An Act to amend the Acts for the granting of sites for schools.	The School Sites Act, 1851.

FIFTH SCHEDULE (b).

DIVISIONS OF METROPOLIS.

Name of Division.	Name of Division.
Marylebone. Finsbury. Lambeth. Tower Hamlets. Hackney.	Westminster. Southwark. City. Chelsea. Greenwich.

(a) See section 20, *ante*, and section 94, with regard to this schedule. The Acts themselves are in the Appendix, pp. 214—232.

(b) See section 37 (1), *ante*; section 39; and section 94, with regard to the divisions of the metropolis; and also the order of the education department of 7th October, 1870, in the Appendix, *post*, p. 262.

THE ELEMENTARY EDUCATION ACT, 1873.

86 & 87 VICT. CAP. 86.

An Act to amend the Elementary Education Act, (1870), and for other purposes connected therewith.

[5th August, 1873.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

PRELIMINARY.

Short title.

1. This Act may be cited as the Elementary Education Act, 1878 ; and this Act and the Elementary Education Act, 1870 (in this Act referred to as the principal Act), may be cited together as the Elementary Education Acts, 1870 and 1878 (86 & 84 Vict. c. 75).

Construction of Act.

2. This Act shall be construed as one with the principal Act, and the expression " this Act " in the principal Act shall be construed to include this Act.

EXPENSES OF EDUCATION.

Repeal of 18 & 19 Vict. c. 84 (Denison's Act), and substitution of other provisions.

3. *The Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter thirty-four, intituled " An Act to provide for the education of children in*

the receipt of out-door relief," is hereby repealed as from the first day of January, one thousand eight hundred and seventy-four ; and in lieu thereof be it enacted as follows :

Where relief out of the workhouse is given by the guardians or their order by way of weekly or other continuing allowance to the parent of any child between five and thirteen years of age, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall (unless either there is some reasonable excuse within the meaning of section seventy-four of the principle Act, or the child has reached such standard of education as may from time to time be fixed for the purpose of this Act, so far as regards any district in which byelaws under section seventy-four of the principal Act are in force by any such byelaw, and in any other district by a minute of the education department, or the child is employed in pursuance of a certificate under "The Agricultural Children Act, 1878," and is not attending school) be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

This section is repealed by 39 & 40 Vict. c. 79, s. 52, *post* ; but the following notes have nevertheless been continued. The repealed section is adapted by 39 & 40 Vict. c. 79, s. 40, *post*.

The term parent in the above section is defined by section 3 of 33 & 34 Vict. c. 75, *ante*.

As to the certificate mentioned in this section, see 36 & 37 Vict. c. 67, s. 6. But 36 & 37 Vict. c. 67, is now repealed by 39 & 40 Vict. c. 79, s. 52, *post*.

By having reached a standard of education obviously means having passed that standard.

Further, with regard to the standard of education, see the minute of the education department, *post*, p. 363.

If the relief be continued for more than one week, it may, as a general rule, be considered as falling within the term "continuing relief ;" and the school must be selected not by the guardians but by the parent. The school may be within or without the jurisdiction of the board of guardians.

The sickness of the father or mother of a child is not a reasonable excuse within the meaning of the Act for the non-attendance of the child at school. In such a case additional relief should be given according to the necessities of the case.

Educational relief should be ordered separately in each case, an entry being made in the application and report book as well as in the relief order book.

116 THE ELEMENTARY EDUCATION ACT, 1873.

Money granted under 36 & 37 Vict. c. 86, s. 3, for the education of the children of persons receiving relief out of the workhouse need not be paid to the parents, but may, in the discretion of the guardians, be directly applied in payment of the school fees. *Re Darlington Union*, 32 L. T. (N.S.) 320; 39 J. P. 276, 343.

The local government board say that they think that guardians would be justified in paying such incidental expenses as the cost of books and stationery for the use of the children in addition to the usual school fees. The particulars of the books, &c., supplied should, however, be furnished before the guardians pay for them.

The education department hold that the refusal of the managers of a public elementary school to admit children at the fee prescribed by section 3 of the Elementary Education Act, 1873, would not be a reasonable ground under Art. 17A of the code. If there be no deficiency of public school accommodation in the district, the department would not consent to a school board borrowing money for the purpose of providing more board schools.

There is no distinction between factory and other children, and, therefore, children may be compelled to attend school full time, notwithstanding that they may be working at a workshop, and attend school in conformity with the provisions of the Workshops Regulation Act; *Bury v. Cherryholme*, L. R. 1 Exch. Div. 457; S. C. *Bury v. Cherrybohn*, 35 L. T. (N.S.) 403; 40 J. P. 293.

With reference to enquiring as to what means the guardians have of ascertaining from time to time that a child has reached the requisite standard of education, under section 3 of the Elementary Education Act, 1873, the local government board state that they have been in communication with the education department on this subject, and that with respect to the case of children, whether in districts under school boards or in other districts, who do not attend inspected schools, or who, if attending such schools, may be qualified to pass in the prescribed standard in the interval between the yearly visits of the inspectors, the education department suggest and the board concur in the suggestion that the guardians may accept a certificate of a child's having reached (i.e., of the child's being able to pass in) the standard of examination prescribed by the minute of the 18th March, 1873, of the education department, from (1) Any teacher of a school under the management of the guardians who holds a certificate of competency, granted by the local government board; or (2) Any certificated teacher of a public elementary school in the union under the inspection of the education department.

The terms of the Act do not include relief given between the meetings of the guardians by the relieving officer or overseer. When, however, in cases of sudden and urgent necessity, whether arising from sickness or other cause, the relief is given by or on the order of the guardians by weekly allowance, or when relief is given on their order for a period exceeding the interval of the ordinary meetings of the guardians, such relief appears to be within the Act.

The guardians must determine for themselves whether the distance of a child's home from any efficient school constitutes an unavoidable cause for absence.

The education department say that if there be no public elementary school within reasonable distance of the home of any child, whose parent receives out-door relief, the attendance of the child at school cannot be made a condition of the continuance of sick relief to the parent. And now, see 43 & 44 Vict. c. 23, s. 5, *post*.

The legislature has required that all children between five and thirteen years of age shall be educated; and so far as relates to the children of paupers they have carried out this intention by requiring all the children within the statutory limits as to age to be sent to elementary schools, unless they are brought within one of the excuses specified in 33 & 34 Vict. c. 75; but the fact of a child being in service not provided for by statutory enactment, does not afford such excuse.

If children are between twelve and thirteen years of age they will not come within the operation of the Agricultural Children Act, 1873; then if they have not attained the third standard of education, it will be necessary that they should attend school under section 3 of the Act of 1873, in order to justify a continuance of out-door relief to the parents of such children. But see 43 & 44 Vict. c. 23, s. 5, *post*.

The attendance of children at an evening school will not satisfy the terms of the Act as to the provision of a statute.

It is the opinion of the education department, and of the local government board, that the guardians would be justified in paying the amount sanctioned by the Elementary Education Act, 1873, section 3, leaving the parent to make up the whole school fee if in excess of that amount, but that they would not be justified in paying more than 2½d. per week as the school fee for each child. They also say that it would be a "reasonable excuse" for not sending a child to school that he could not obtain admission to any public elementary school within three miles of his home on tendering the school fee fixed by the Act of 1873. To establish such excuse it would be necessary that this fee had been actually tendered to and refused by the managers of the school, and a record of such refusals should be carefully made.

It is considered that each attendance of a child at school must be for two consecutive hours at least. If there be an attendance of two hours in the morning a school fee of not more than one farthing will be required from the guardians, and if there be another attendance for two hours in the afternoon another similar fee will be payable. An attendance of one hour only in the morning and another for the same period in the afternoon will not suffice.

It is the duty of an auditor to ascertain whether the children of out-door paupers in receipt of continuous relief from the guardians have gone to school in compliance with the provisions of section 3 of this Act. It is immaterial what the relieving officer may have said or done, as the auditor must require the relieving officer to satisfy him that the children have regularly attended a proper school during the period that continuous out-door relief was given, or that there was a lawful excuse

for non-attendance. It cannot be specified beforehand what attendance will be sufficient for this purpose; the auditor must exercise his own judgment upon the facts brought before him. If the relieving officer speaks with certainty from his own knowledge as to the attendance, the auditor may be satisfied, but if he cannot pledge his own knowledge the case may perhaps not be satisfied. Such attendance, however, cannot be required further or otherwise than is required by a byelaw in force under section 74 of the Act of 1870 as amended, in the district, see 43 & 44 Vict. c. 23, s. 5; the section, however, does not apply where there is no byelaw in force in the district.

With respect to the case of children, whether in districts under school boards or in other districts who do not attend inspected schools, or who, if attending such schools, may be qualified to pass in the prescribed standard in the interval between the yearly visits of the inspectors, the guardians may accept a certificate of a child's having reached (*i. e.*, of the child's being able to pass in) the standard of examination prescribed by the minute of the education department from:—(1) Any teacher of a school under the management of the guardians who holds a certificate of efficiency or competency, granted by the local government board; or (2) From any certificated teacher of a public elementary school in the union, under the inspector of the education department.

It is the opinion of the education department that the guardians would be justified in paying the amount sanctioned by section 3 of the Elementary Education Act, 1873, leaving the parent to make up the whole school fee if in excess of that amount, but that they would not be justified in paying more than 2½d. per week as the school fee for each child.

In cases where an order is made for the school fees to be paid to the parent by the relieving officer a separate entry showing the amount granted for the educational relief should be made in his application and report book and in the relief order book. The amount so paid to the parent must be entered in the relief list as other money payments for relief.

If the relieving officer pays it in this way out of money advanced to him for relief, a separate entry is not required to be made in the ledger, although it may perhaps be an advantage if the amount be separately shown. A separate entry should, however, be made in the ledger if the amounts be paid by the relieving officer or by the guardians to the schoolmaster, or the school managers, on a quarterly or other periodical account, rendered upon the delivery of tickets or the adoption of other measures with a similar object.

The following plan has been adopted by many boards of guardians, and it appears to be very well calculated to give effect to the provisions of the Elementary Education Act, 1873, section 3, namely:—

The relieving officer of each district is supplied by the guardians with tickets containing spaces for the insertion of the name of the child, the school selected for it, and the number of attendances. The name of the child and school is filled in by the relieving officer, and

the number of attendances by the schoolmaster and certified by his signature. Each recipient of relief who has a child is supplied weekly with a ticket for the child filled up by the relieving officer (as before stated), and the ticket issued by the relieving officer in the one week is returned to him signed by the schoolmaster in the following week, when if necessary a fresh ticket is given to the pauper in exchange for it.

The relieving officer keeps an account of the number of attendances and certifies to the correctness of the school bill when presented for payment at the end of each quarter or half year, as the case may be, and the amount is then paid by the guardians direct to the schoolmaster. It must, however, be understood that the school for the child is to be selected by the parent, and not by the board of guardians or the relieving officer.

Section 5 of the Elementary Education Act, 1880, provides that notwithstanding anything contained in section 40 of the Elementary Education Act, 1876, by which the above section is adapted, continuance of relief in respect of children out of the workhouse shall not be conditional upon their attending school other than as required by a byelaw under section 74 of the Elementary Education Act, 1870.

Any such relief to a parent as above mentioned shall not be granted or refused on condition of the child attending any public elementary school other than such as may be selected by the parent.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than one farthing for each attendance at such school, as defined by the minutes of the education department for the time being in force with respect to the government grant.

The statute does not authorize the guardians to pay for the elementary education of the children of out-door paupers under five or over thirteen years of age.

Parents can of course make up any deficiency in the school fees not covered by the statutory allowance.

If the relieving officer finds that the children have not attended school during the week, he cannot lawfully grant to the parent further relief in continuance of the relief order, but he must then consider whether there is any urgency about the case which will render it necessary for him to grant relief in kind to the pauper under Art. 215, No. 6, of the consolidated order.

Payment of school fees cannot be made in advance, because it will depend upon the number of attendances at school, and must therefore be determined afterwards.

120 THE ELEMENTARY EDUCATION ACT, 1873.

All relief given by guardians under this section shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses repayable from the metropolitan common poor fund, within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly. (30 & 31 Vict. c. 6.)

Further with regard to this section see the instructional letters of the local government board, in the Appendix, *post* p. 356.

The provisions substituted for those in this section will be found in 39 & 40 Vict. c. 79, s. 40, *post*.

Money granted in pursuance of this section for the education of the children of persons receiving relief out of the workhouse need not be paid to the parents, but may, in the discretion of the guardians, be directly applied in payment of the school fees. *Re the Guardians of the Darlington Union*, 32 L. T. (N. S.) 320.

Powers of local government board as to relief and guardians.

4. The local government board shall have the like powers with respect to guardians acting under and relief given in pursuance of this Act, as they have with respect to guardians acting under and relief given in pursuance of the Acts relating to the relief of the poor, and relief given in pursuance of this Act shall be deemed to be relief within the meaning of those Acts.

The powers of the local government board under this section have relation to their powers under the 4 & 5 Will. 4, c. 76, s. 15, to regulate out-door relief, as to which see the general prohibitory order and out-door relief regulation orders in Glen's Poor Law Orders, 8th edition.

See also 39 & 40 Vict. c. 79, s. 34, as to relief given by guardians.

ELECTIONS.

Confirmation of orders as to elections, &c.

5. The orders and regulations of the education department mentioned in the first schedule to this Act, and all orders of the education department incorporating the said orders or regulations, so far as they so incorporate them, are hereby confirmed, and shall be deemed to have been duly made, and to have been within the powers contained in the principal Act, and shall continue in force until revoked or altered by

any order made under the provisions of the principal Act as amended by this Act.

The orders substituted for the orders referred to in this section will be found in the Appendix, *post* pp. 262—303.

As to the validity of orders of the education department with respect to united districts, see 37 & 38 Vict. c. 90 *post*.

Election of school board.

6. The principal Act shall be construed as if there were substituted for the rules numbered one and three in the first part of the second schedule to the principal Act the rules in the second schedule to this Act, and the references in the principal Act to the second schedule to that Act, or the first part of that schedule, shall be construed to refer to the said schedule or the first part thereof, with the provisions so substituted; but the said substitution shall not affect anything done before the passing of this Act.

Overseers to allow inspection of rate books and otherwise assist returning officers.

7. If any overseer or other officer has in his possession or under his control any rate book or other document which under the Elementary Education Acts, 1870 and 1873, or any order made thereunder, constitutes the register of persons entitled to vote at an election of a school board, or at the passing of a resolution for an application for a school board, and such overseer or other officer refuses or fails to comply with the directions of any order of the education department confirmed by this Act, or made in pursuance of the Elementary Education Acts, 1870 and 1873, with respect to the production, inspection, or copying of such book or document, or the assisting any returning officer at any such election or passing of a resolution, such overseer or officer shall be liable, on summary conviction, to a penalty not exceeding five pounds for every day during which he so refuses or fails.

With regard to this section, see 33 & 34 Vict. c. 75, s. 79, *ante*.

As to the rate book being the register of ratepayers entitled to vote, see Sch. II. (c), *post*.

As to the recovery of penalties, see sections 23 & 24, *post*.

122 THE ELEMENTARY EDUCATION ACT, 1873.

Amendment of 33 & 34 Vict. c. 75, s. 91, as to corrupt practices at elections.

8. Every person who under the principal Act is disqualified by a conviction for corrupt practices at any election from exercising any franchise for any term of years shall be also disqualified during the same term of years from being a member of a school board and from holding any municipal office.

See 33 & 34 Vict. c. 75, s. 91, *ante*.

This section obviates the difficulty which arose in the case of *Reg. v. Dudley School Board*, as to whether a person convicted of corrupt practices at an election of a member of a school, and thereby disqualified, under section 91 of the Act of 1870, from voting at a school board, municipal, or parliamentary election for six years, could be returned as a member of the school board.

Questioning of election and resolution.

9. The election of any member of a school board, and the passing of a resolution for an application for a school board under the Elementary Education Acts, 1870 and 1873, shall not be questioned except within six months after the declaration of the election of such member or of the passing of such resolution, whether such declaration was made before or after the passing of this Act.

As to elections, see 33 & 34 Vict. c. 75, s. 33, *ante*, and as to applications for a school board, see *ibid.*, section 12, *ante*, and the case, *In re West Bromwich School Board*, in note to section 33.

As to the legality of orders or requisitions of the education department, see 33 & 34 Vict. c. 75, s. 84, *ante*.

MISCELLANEOUS AMENDMENTS OF 33 & 34 VICT. C. 75.

Amendment of 33 & 34 Vict. c. 75, s. 57, as to loans.

10. The principal Act and Acts referring thereto shall be construed as if, for section fifty-seven, which is repealed by this Act, there were substituted the following section :

Where a school board have incurred or require to incur any expense, either —

- (a.) in providing or enlarging a schoolhouse ; or
- (b.) in paying off any debt charged on a schoolhouse provided by them, or on any land acquired by them by gift, transfer, purchase, or otherwise for the purposes of this Act ; or

(c.) in any works or improving or fitting up a school-house which, in the opinion of the education department, ought by reason of the permanent character of such works to be spread over a term of years,

they may, with the consent of the education department, spread the payment over such number of years not exceeding fifty, as may be sanctioned by the education department, and may, with the like consent, for that purpose borrow money on security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed with the interest by equal annual instalments not exceeding fifty, and if they do not so agree they shall annually set aside one fiftieth of the sum borrowed as a sinking fund: Provided that no such consent of the education department shall be granted unless proof be given to their satisfaction that the additional school accommodation which it is proposed to supply is required in order to provide for the educational wants of the district:

See the letter of instruction as to loans in the note to 33 & 34 Vict. c. 75, s. 57, *ante*.

The consent of one of Her Majesty's principal secretaries of state, and not of the education department, is necessary in the case of a loan for an industrial school. See 39 & 40 Vict. c. 79, s. 15, *post*.

In *Reg. v. Sir Charles Reed* (42 L.T. (N.S.) 835; 44 J.P. 633), the Court of Appeal held that a school board has no power to borrow money for the purpose of meeting their current expenses, nor for any purposes except those specified in 36 & 37 Vict. c. 86 s. 10, nor to charge the ratepayers with interest paid for money so borrowed, reversing the decision of the Court of Queen's Bench (L. R. 4 Q. B. D. 477).

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners:

These clauses will be found in the Appendix, pp. 239, 244.

124 THE ELEMENTARY EDUCATION ACT, 1873.

The public works loan commissioners may, on the recommendation of the education department, lend any money required under this section on the security of the school fund and local rate without requiring any further or other security, such loan to be repaid within such number of years not exceeding fifty, as may be recommended by the education department, and to bear interest at the rate of three-and-a-half per cent. per annum.

Here reference may be made to the Public Works Loans Act (38 & 39 Vict. c. 89), and the Local Loans Act (38 & 39 Vict. c. 83), which apply to school board loans, but whilst loans can be obtained under the Education Acts from the Public Works Loan Commissioners on favourable terms, they will scarcely be resorted to.

The 37 Vict. c. 9, s. 2, authorized the treasury to advance sums of money, not exceeding 1,500,000*l.*, for the purpose of school loans.

The said substitution shall not affect anything done before the passing of this Act, except that anything done before the passing of this Act which would have been legal if the said substitution had been made shall be legal.

With regard to this section, see 37 Vict. c. 9, *post*.

By section 2 of 35 & 36 Vict. c. 27, the repealed section (57) of the Elementary Education Act, 1870, extends to any expense incurred by the school board for London in providing or enlarging any office required by such board.

As to loans for establishing industrial schools, see 39 & 40 Vict. c. 79, s. 15, *post*. And see 42 & 43 Vict. c. 48, *post*, as to loans for the alteration, enlargement, or rebuilding of industrial schools.

This section is applied by 39 & 40 Vict. c. 79, ss. 15, 42, *post*.

Amendment of 33 & 34 Vict. c. 75, s. 60.

11. The provisions of section twelve of the principal Act shall extend to authorize the education department, if they think fit, to form a united school district, and upon such union to cause a school board to be formed for such united school district, in like manner and under the like circumstances as it authorizes them to cause a school board to be formed for any school district, without making the inquiry or publishing the notices required by the principal Act, but after such inquiry, public or other, and such notice as the education department think sufficient: Provided that a resolution in favour of

union shall be passed in each district separately, and if a school board has been elected in any such district, by the school board.

With reference to this section, see 33 & 34 Vict. c. 75, ss. 40, 45, 46, 47, or 37 & 38 Vict. c. 90, *post*.

Union of detached parts of parishes for purposes of Act.

12. Where any part of a parish is detached from the principal part of a parish, the education department may, with the consent of the local government board, by order direct that each such part of the said parish shall, and the same shall accordingly, as from the date of the order or any later date specified in the order, be, for the purposes of the principal Act and this Act, a parish by itself, *and section fifty-seven* of the principal Act shall apply thereto in like manner as if such part of a parish were the part of a parish situate outside a borough.

Section 57 of the principal Act is repealed by section 28 of this Act ; see, however, the substituted provision in section 10.

Section 77 and not section 57 appears to have been intended in this section.

For provisions as to part of a parish, see 39 & 40 Vict. c. 79, s. 49, *post*.

Further with regard to divided parishes, see 39 & 40 Vict. c. 61, s. 1, enabling the local government board to deal with them for all civil purposes.

The provisions of section fifty-six of the principal Act, with respect to raising a sum from any place which is part of a parish, shall, where necessary, apply to a part of a parish, although under this section it is deemed to be a parish by itself.

Power of school board to accept gifts for educational purposes.

13. A school board shall be able and be deemed always to have been able to be constituted trustees for any educational endowment or charity for purposes connected with education, whether such endowment or charity was established before or after the passing of the principal Act, and to have and always to have had power to accept any real or personal

126 THE ELEMENTARY EDUCATION ACT, 1873.

property given to them as an educational endowment or upon trust for any purposes connected with education : Provided that—

- (1.) Nothing in this section shall enable a school board to be trustees for or accept any educational endowment, charity, or trust, the purposes of which are inconsistent with the principles on which the school board are required by section fourteen of the principal Act to conduct schools provided by them ; and,
- (2.) Every school connected with such endowment, charity, or trust shall be deemed to be a school provided by the school board, except that nothing in this section shall authorize the school board to expend any money out of the local rate for any purpose other than elementary education ; and,
- (3.) Nothing in this section shall affect the law of mortmain or the Act of the ninth year of the reign of King George the Second, chapter thirty-six.

As to the transfer of an endowment to a school board, see note to section 23 of 33 & 34 Vict. c. 75, *The School Board for London v. Faulconer*, *ante*, p. 27.

Amendment of 29 & 30 Vict. c. 118, s. 12, as applied to school boards.

14. Where a school board exercises the powers of a prison authority under the Industrial Schools Act, 1866, not less than fourteen days', instead of not less than two months', previous notice shall be given of the intention of the school board to take into consideration the making of the contribution mentioned in section twelve of that Act.

As to this section, see 29 & 30 Vict. c. 118, s. 12.

For the powers of school boards with reference to certified industrial schools, see 33 & 34 Vict. c. 75, ss. 27 and 28, *ante*, and 39 & 40 Vict. c. 79, ss. 15 and 16, and 42 & 43 Vict. c. 48, s. 3, *post*.

Amendment of 33 & 34 Vict. c. 75, s. 20.

15. For the purpose of the purchase of land otherwise than by agreement under section twenty of the principal Act, the Act confirming an order of the education department

for such purchase, together with the principal Act, shall be deemed to be the special Act.

See 33 & 34 Vict. c. 75, s. 20 (5), *ante*.

Valuation list in metropolis.

16. The principal Act shall be construed as if there were substituted for sub-section ten of section thirty-seven thereof the following words :

The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the *third column of the first schedule to this Act*, in proportion to the rateable value of such parts, as shown by the valuation lists for the time being in force under the Valuation (Metropolis) Act, 1869, or any other Act for making valuation lists, or, where there is no such valuation list, in the same proportion and according to the same basis in and according to which the then last rate made by the metropolitan board of works was assessed.

The said substitution shall not affect anything done before the passing of this Act, except that anything done before the passing of this Act which would have been legal if the said substitution had been made shall be legal.

As to the reference in this substituted section, see *ante*, p. 46.

The words in italics refer to the Act of 1870, *ante*.

Making up and examination of accounts.

17. The accounts of a school board shall be made up and balanced to the twenty-fifth day of March and twenty-ninth day of September in every year, or, if so directed by regulation under this Act, annually to one of those days in every year.

The accounts shall be examined by the school board and signed by the chairman within such time, not exceeding two months after the day to which they are made up, as may be fixed by a regulation under this Act.

As soon as practicable after the accounts are so signed they shall be audited.

With regard to this section, see 33 & 34 Vict. c. 75, ss. 59 and 60, *ante*; and the order for accounts in the Appendix, *post*, p. 469.

Amendment of 33 & 34 Vict. c. 75, s. 60.

18. The principal Act shall be construed as if for subsection nine of section sixty thereof there were substituted the following words :

Subject to the provisions of this section, the local government board may from time to time make such regulations as may be necessary respecting the form of keeping the accounts, the audit thereof, the mode of publishing, the time and place of holding the audit, the time within which the accounts are to be examined by the school board, and signed by the chairman, and (with the consent of the education department) the school boards or class of school boards the accounts of which are to be made up only annually, and the day to which they are to be so made up in every year.

The said substitution shall not affect anything done before the passing of this Act, except that anything done before the passing of this Act which would have been legal if the said substitution had been made, shall be legal.

Extension of 33 & 34 Vict. c. 75, s. 70, to returns.

19. Where the education department have power under the principal Act to require any local authority to send to them a return, the education department, without requiring such local authority to make the return, shall have the same power of appointing a person or persons to make such return as they would have under section seventy of the principal Act if the local authority had been required to make and had failed to make such return.

As to this section, see 33 & 34 Vict. c. 75, ss. 8, 67.

Notices for purposes of Elementary Education Acts.

20. Notices and other matters required by the Elementary Education Acts, 1870 and 1873, to be published shall, unless otherwise expressly provided, be published either by advertisement, and by affixing the same on the doors of churches and chapels, and other public places, or in such other manner as the education department may either generally or with

respect to any particular district, place, or notice, or class of districts, places, or notices, by order determine, as being in their opinion sufficient for giving information to all persons interested; and all overseers, assistant overseers, and officers of guardians shall comply with the directions of the education department with respect to such notices, and any expenses incurred by them in carrying into effect this section may be paid as their expenses under the Acts relating to the relief of the poor.

Every person who wilfully tears down, injures, or defaces any notice affixed in pursuance of the Elementary Education Acts, 1870 and 1873, or any order of the education department made thereunder, shall be liable on summary conviction to a penalty not exceeding forty shillings.

By an order of the education department dated 13th August, 1875, from and after the date thereof, "the notice of deposit of byelaws under section 74 of the Elementary Education Act, 1870, shall be published only by advertisement in some one or more of the newspapers circulating in the district of the board, whose byelaws are so deposited." See *ante*, p. 78.

As to the charge of expenses paid under this section, see 39 & 40 Vict. c. 79, s. 34, *post*.

As to recovery of penalties, see sections 23 and 24, *post*.

Amendment of 33 & 34 Vict. c. 75, 3rd sched.

21. The regulations in the third schedule to this Act shall be substituted for the regulations in the third schedule to the principal Act which are repealed by this Act, but such substitution shall not affect anything done before the passing of this Act.

Returns by schools to school boards.

22. In any school district in which a byelaw under section seventy-four of the principal Act is in force, the school board of such district may from time to time supply forms to any public elementary school for the purpose of obtaining reasonable information with respect to the attendance of children residing in their district who attend such school; and the managers of such school, if they fail to cause such forms to be truly filled up and returned in manner required by the school board, or to cause such information to be given

as will enable the school board to ascertain whether a child resident within their district and attending that school attends the same in manner required by the said byelaw, shall cause to be produced to such member or officer of the school board or other person as may be duly authorized in that behalf by the school board at any reasonable time when required by him, the registers and other books and documents containing information with respect to the attendance of children at such school, and shall permit him to inspect and take copies of and extracts from the same.

If any difference arises between a school board and the managers of a public elementary school as to whether the information required by the said forms is or is not reasonable, such difference shall be referred to the education department, whose decision shall be final.

LEGAL PROCEEDINGS.

23. All offences and penalties under the principal Act or this Act, or any byelaw under the principal Act which may be prosecuted or recovered on summary conviction may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

This section applies also to certified day industrial schools, see Art. 39 of the order of 20th March, 1877, in the Appendix, p. 448.

With regard to this clause, see the Summary Jurisdiction Acts, by Mr. W. C. Glen, fourth edition, and also section 27, *post*. This section is applied by 39 & 40 Vict. c. 79, s. 37, *post*.

Regulations as to legal proceedings

24. With respect to proceedings before a court of summary jurisdiction for offences and penalties under the prin-

principal Act, or this Act, or any byelaw under the principal Act, the following provisions shall have effect :

- (1.) The description of the offence in the words of the Act or byelaw, or as near thereto as may be, shall be sufficient in law :
- (2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in the Act or byelaw, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant :
- (3.) In any proceeding for an offence under a byelaw, the court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the byelaw :

For the penalty for failing to comply with a byelaw, see 33 & 34 Vict. c. 75, s. 74, *ante*.

For the provisions as to obtaining certificates of birth for the purposes of the Education Acts, see 39 & 40 Vict. c. 79, s. 25, *post*.

- (4.) Any justice may require by summons any parent or employer of a child, required by a byelaw to attend school, to produce the child before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons, shall be liable to a penalty not exceeding twenty shillings :
- (5.) A certificate purporting to be under the hand of the principal teacher of a public elementary school, stating that the child is or is not attending such school, or stating the particulars of the attendance of a child at such school, or stating that a child has been certified by one of Her Majesty's inspectors to have reached a particular standard of education, shall be evidence of the facts stated in such certificate :

132 THE ELEMENTARY EDUCATION ACT, 1873.

- (6.) Where a child is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child is not of such age :
- (7.) If a child is attending an elementary school which is not a public elementary school, it shall lie on the defendant to show that the school is efficient, and the court, in considering whether any elementary school is efficient, shall have regard to the age of the child and to the standard of education corresponding to such age prescribed by the minutes of the education department for the time being in force with respect to the parliamentary grant :
- (8.) Where a school board are, by reason of the default of the managers or proprietor of an elementary school, unable to ascertain whether a child who is resident within the district of such school board and attends such school attends school in conformity with a byelaw made by such school board, it shall lie on the defendant to show that the child has attended school in conformity with the byelaw :
- (9.) Any person may appear by any member of his family or any other person authorized by him in this behalf.

This section is applied by 39 & 40 Vict. c. 79, s. 37, *post*.

Forgery of certificate, and giving false information.

25. Every person who forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit, or false, makes use thereof, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

This section as well as the two last preceding is applied by 39 & 40 Vict. c. 79, s. 37, *post*.

DEFINITIONS AND REPEAL.

Schedules part of Act.

26. The schedules to this Act shall be of the same force as if they were enacted in the body of this Act.

Interpretation.—"GUARDIANS."

27. In this Act—

The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor :

See 4 & 5 Will. 4, c. 76, s. 109.

"UNION."

The term "union" means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as defined by this Act under any general or local Act :

"COMMON FUND."

The term "common fund" means, in the case of a union which comprises only one parish, the fund applicable to the relief of the poor of such parish :

See 39 & 40 Vict. c. 79, s. 31, *post*.

"SUMMARY JURISDICTION ACTS."

The term "the Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same :

"COURT OF SUMMARY JURISDICTION."

The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police

134 THE ELEMENTARY EDUCATION ACT, 1873.

magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts.

Repeal and savings.

28. The principal Act is hereby repealed, to the extent specified in the third column of the fourth schedule to this Act.

Provided that—

- (1.) Any order or regulation of the education department made under any enactment hereby repealed shall continue in force as if it had been made under this Act:
- (2.) Any school board elected under any enactment hereby repealed shall continue and be deemed to have been elected under this Act:
- (3.) The repeal of any Act or enactment by this Act shall not—
 - (a.) Affect anything duly done or suffered under any such Act or enactment; or
 - (b.) Affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any such Act or enactment, or byelaw; or
 - (c.) Affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any such Act, enactment, or byelaw; or
 - (d.) Affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE (a).

*Orders and Regulations of the Education Department relating
to Elections of and Applications for School Boards.*

7th October, 1870.	Order fixing the boundaries of the divisions of the metropolis, with the number of members to be elected by each division, and appointing the returning officer for the first election of the school board for London and his deputies.
27th October, 1870.	Order regulating the first election of the school board for London.
27th October, 1870.	General regulations for the first election of school boards in boroughs.
21st December, 1870.	General regulations for the first election of school boards in parishes not situate within municipal boroughs, or within the metropolis.
21st December, 1870.	General regulations as to passing resolutions for application for school boards in parishes not situate within municipal boroughs or within the metropolis.
6th January, 1871.	Regulations for the first election of a school board for the district of the local board of Oxford.
15th March, 1873.	General regulations as to the formation of united school districts.

(a) See section 5, *ante*.

SECOND SCHEDULE.

Rules respecting Election of Members of a School Board.

(1.) The election of a school board shall be held at such time and in such manner and in accordance with such regulations as the education department may from time to time by order prescribe; and the education department may by order appoint or direct the appointment and make regulations as to the duties, remuneration, and expenses of any officers requisite for the purpose of such election, and do and make regulations respecting all other necessary things preliminary or incidental to such election, and revoke or alter any previous order, whether confirmed by or made in pursuance of this Act.

The personation of a voter at a poll for passing a resolution for application for a school board is not an offence under the Elementary Education Acts, and a regulation of the education department of the privy council constituting such personation a misdemeanor punishable on summary conviction will not support a conviction, it being a regulation *ultra vires*, and one not made valid by section 84 of 33 & 34 Vict. c. 75. *Reg. v. Sankey*, L. R. 3 Q. B. D. 379; 47 L. J. M. C. 96; 42 J. P. 709.

A district auditor having disallowed certain charges in the accounts of a school board for expenses incurred with respect to refreshments at a school board election, gave the following as his reasons:—"I disallowed the said several sums of 11*l.*, 3*l.*, 3*l.* 4*s.*, 3*l.* 3*s.*, and 3*l.*, making together the sum of 23*l.* 7*s.*, cost of refreshments supplied to deputy returning officers, poll clerks, and others, employed on the day of election of members of the school board, and also on the day following, when engaged in adding up poll sheets, &c., because there is not any Act of parliament, or other lawful authority from the local government board or education department, for defraying such an expense out of the school fund; whereas a statutory authority of some kind is necessary to support all expenditure from such fund. Because I have allowed all such reasonable costs, charges, and expenses as were properly incurred in the election and taking the poll of the burgesses of the said borough, and as the law does not make any specific provision for payment of the expenses in question, the school board had no authority to make the said payments out of the funds in their possession arising from the rates of

the borough. And, therefore, I had no alternative (in the discharge of the duties of my office) but to make the disallowance and surcharge aforesaid."

Upon the appeal, the local government board made the following statement in their decision:—"The questions which the board are called upon to decide relate, firstly, to the allowance of refreshments to gentlemen who acted gratuitously as deputy returning officers on the occasion of the election of a school board; and, secondly, to similar allowances to persons engaged, at certain rates of payment, to act as poll clerks. Upon the first point, although no judicial decision has been pronounced upon the question of the legality or illegality of the allowance of refreshments, at the cost of public funds, to persons who undertake to discharge public duties voluntarily or gratuitously, the board believe that the more correct view of the law upon this subject is that such allowance cannot be supported unless under circumstances of some peculiar character, in which case the nature and extent of the allowance must be determined by the authority upon whom devolves the duty of allowing or disallowing expenditure in the accounts then under consideration. But where services are rendered for remuneration, it is of course open to the persons contracting to make precise arrangements on the subject; and if the supply of refreshments is a stipulation in their agreement, the cost, unless deemed extravagant, should be allowed. In the present case you state that it was understood that the poll clerks should partake of the refreshments provided for the deputy returning officers, but it does not appear that on this point there was such an agreement with the poll clerks as would have enabled them, in the event of refreshment not being supplied, to sue for the value in a court of law. The payments must, therefore, be classed under the head of gratuities, and the Court of Queen's Bench decided, in the case of *Ex parte Mellish* (8 L. T. (N.S.) 47) that gratuities cannot be granted out of a public rate. Upon this view of the case the board are of opinion that the auditor's decision with respect to the several disallowances and surcharges was lawful; but, having regard to the practice which has prevailed at municipal elections, and also to the fact that the expense now in question was incurred in respect of the first election of a school board for the district, the board are prepared to remit the disallowances and surcharges, in the exercise of the equitable jurisdiction conferred upon them by the 11 & 12 Vict. c. 91, s. 4, and the 33 & 34 Vict. c. 75, s. 60."

In another case the district auditor had disallowed in respect of a school board election in a borough the sum of 50*l.* for the use of ballot boxes, separate voting compartments, and stamping machines, belonging to the borough, and the local government board upon the appeal gave their decision as follows:—"It is enacted by the statute 36 & 37 Vict. c. 36, that 'any poll shall, so far as circumstances permit, be conducted in like manner in which the poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted; and subject to any exceptions or modifications contained in any order of the education department, made in pursuance of this Act, the Ballot Act, 1872, shall apply in the case of the election of a school board in like manner as if

the provisions thereof were herein enacted, with the substitution of 'school board election' for 'municipal election.' And by section 14 of the Ballot Act, 1872, it is enacted that 'where a parliamentary borough and a municipal borough occupy the whole or any part of the same area, any ballot boxes or fittings for polling stations and compartments provided for such parliamentary borough or such municipal borough may be used in any municipal or parliamentary election in such borough, free of charge; and any damage, other than reasonable wear and tear, caused to the same shall be paid as part of the expenses of the election at which they are so used.' Having regard to these provisions, the board think that the school board were entitled to the use of the polling compartments and ballot boxes referred to without charge, and on this ground the board are of opinion that the auditor's decision with respect to the disallowance and surcharge of the sum of 50*l.* was lawful."

The sum of 60*l.*, part of a sum of 105*l.* charged as paid to the town clerk and staff for conducting the election of the school board for Bradford, was disallowed by the auditor as being unreasonable and excessive. The auditor stated that he considered the election for a school board was much the same as one for a board of guardians, and the expenses should not be so much greater in the case of a school board election than in an election of guardians. The local government board, however, did not agree with him. They said that the payment in the case in question could not be considered as exorbitant merely because the election of a board of guardians could be conducted at a smaller charge. The two elections differed in their character and circumstances, and the cost of one was not necessarily a standard or criterion for the cost of the other. Although, generally, it was a question for the discretion of the auditor whether expenses were or were not considerable, and the board did not, under ordinary circumstances, consider that they were justified in overruling his decision on such a point, in the present instance the auditor having given as his ground for the disallowance reasons which, in the opinion of the board, were untenable they reversed his decision, and remitted the disallowance.

The district auditor, in auditing the accounts of the Halifax school board, disallowed a sum of 57*l.* 15*s.*, charged as paid to the town clerk for services rendered by him to the mayor of the borough as returning officer at the election of the school board. The entry in the book of account as to the disallowance was:—"My reason for this disallowance is, I find that the said sum is part of a larger sum of 412*l.* 8*s.* 4*d.*, paid for the returning officer's charges in conducting the triennial election, and that the said 57*l.* 15*s.* is charged as the town clerk's fee for conducting the said election on the part of the mayor, as returning officer; but inasmuch as the office of mayor is an honorary office, no fee is payable to him for discharging one of the duties incidental to his office." The local government board reversed the disallowance upon appeal, giving their decision that the auditor's reasons were unlawful.

At the audit of the accounts of the Nottingham school board the sum of 15*l.* 8*s.* 4*d.* was disallowed which had been charged as paid to the superintendent of police for 88 police constables stationed at the polling

booths, at the triennial election of the school board. The district auditor stated as one of his reasons for the disallowance the following:—“Because the services rendered by the said constables at the said election fall within the scope of their duties; consequently they were not entitled to extra remuneration, their whole time being devoted to the public service.” The disallowance was reversed, the local government board holding that it could not be supported on the grounds which had been stated by the auditor. The board stated, however, that had the auditor found that the number of police constables employed at the election was too many, or that the sum of 8s. 6d., which was the amount arranged by the watch committee should be paid every constable each day, was an excessive remuneration, or had he disallowed the amount on the ground that the school board had no power to make the payments, his reasons might perhaps have supported the disallowance on one or more of these grounds.

Provided as follows :

- (a.) The candidates at every election shall be nominated in writing :
- (b.) Any poll shall, so far as circumstances admit, be conducted in like manner in which the poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted; and, subject to any exceptions or modifications contained in any order of the education department made in pursuance of this Act, the Ballot Act, 1872, shall apply in the case of the election of a school board in like manner as if the provisions thereof were herein enacted with the substitution of “school board election” for “municipal election” (35 & 36 Vict. c. 38):

The Ballot Act of 1872 is applied by this rule to elections of school boards, but is not applied to the voting upon a resolution for application for a school board, under section 12 of 33 & 34 Vict. c. 75. *Reg. v. Sankey*, L. R. 3 Q. B. D. 379; 47 L. J. M. C. 96; 42 J. P. 709.

It may be observed here that the body of the Ballot Act is imperative, but the schedules are directory: *Woodward v. Sarsons*, L. R. 10 C. P. 783; 32 L. T. 867.

The education department having been asked whether a returning officer can, in his directions to voters, require them to use figures only, otherwise difficulties might occur where votes were recorded by crosses, as to the intentions of the voters, replied “that the returning officer has power to confine the voter, in filling up the ballot paper, to the use of numbers, written in full or in figures.”

The Lords of the Second Session, in *Re Wigtown Burghs Election*

140 THE ELEMENTARY EDUCATION ACT, 1873.

Petition, 1874, held that certain votes which were objected to on the ground that the papers were not marked with black-lead pencils provided by the returning officers, but with ink, were nevertheless valid.

In boroughs the ballot boxes and fittings provided for municipal elections are to be used for school board elections free of charge, and in parishes where one parish has provided them the education department consider that they should be used in common by the remaining parishes in the union.

See Glen's edition of the Ballot Act, 1872, with copious Notes and Index, published by Messrs. Shaw & Sons.

- (c.) In a parish which is not situate in the city of London or in a borough, other than the borough of Oxford, the book containing the *last rate* made for such parish more than one month previously to any date shall be the register of the ratepayers entitled to vote in such parish at that date; and every ratepayer whose name appears in such rate book shall be entitled to vote unless he is disqualified for voting, and no person shall be entitled to vote whose name does not so appear.

The last poor rate is no doubt intended, but the section does not say so.

As to the term "ratepayer," see *ante*, p. 3, and 39 & 40 Vict. c. 61, s. 14, *ante*, p. 4.

The expenses of copying and arranging the rate book alphabetically are to be calculated on the principle that not less than thirty names can be arranged and written in an hour, and $\frac{1}{4}$ d. is to be allowed in respect of each name.

- (2.) Elections to fill casual vacancies in the metropolis and elsewhere shall be held only on the day in the year appointed or prescribed for the election of members, unless the education department order an election to be held on some other day, in pursuance of the rule numbered sixteen in the first part of the second schedule to the principal Act.

See *ante*, p. 105.

- (3.) An order made in pursuance of this schedule shall, save as otherwise provided by such order, apply to all school boards.

THIRD SCHEDULE.

PROCEEDINGS OF SCHOOL BOARD.

The following regulations shall be construed as part of the conditions mentioned in rule one in the third schedule to the principal Act; that is to say,

- (b.) Not less than one ordinary meeting shall be held in each month, but, where the board ordinarily meet more than once in every month, they may, by resolution passed by a majority of not less than two-thirds of the members present and voting on the question, resolve not to have an ordinary meeting in the months of August and September, or one of such months. One meeting shall be held as *soon as possible after* every triennial election of members;
- (f.) The names of the members present, and in the case of a division the names of those voting upon each question shall be recorded (a);
- (g.) No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the education department, shall be transacted unless notice in writing of such business has been sent to every member four days at least before the meeting.

(a) This precludes voting by ballot on any question before a school board.

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FOURTH SCHEDULE.

ACT REPEALED.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Short Title	Extent of Repeal.
34 & 35 Vict. c. 75.	The Elementary Education Act, 1870.	The sub-section numbered ten in section thirty-seven; section fifty-seven; section fifty-nine; the sub-section numbered nine in section sixty; sections eighty and eighty-nine; section ninety, from "knowingly personate" to "voting in any such election or;" the rules numbered one and three in the first part of the second schedule; so much of the rule numbered six in the third part of the second schedule as relates to fixing a day for a casual election, and the conditions in rule one of the third schedule marked (b.) (f.) and (g.)

ELEMENTARY EDUCATION (ORDERS) ACT, 1874. 143

THE ELEMENTARY EDUCATION (ORDERS) ACT, 1874.

87 & 88 VICT. CAP. 90.

An Act to declare the validity of Orders of the Education Department with respect to United School districts and to make better provision with respect to such Orders.

[7th August, 1874.]

WHEREAS the education department, in pursuance of the Elementary Education Acts, 1870 and 1873, have made the orders mentioned in the schedule to this Act with respect to the united school districts mentioned in those orders :

And whereas, upon the application of a school board of one of the said united districts for a loan from the public works loan commissioners, doubts have been raised as to the validity of the said orders, or some of them, and the right of persons acting as members of a school board to act as such :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Elementary Education (Orders) Act, 1874.

Construction of Act.

2. This Act shall be construed as one with the Elementary Education Acts, 1870 and 1873, which are in this Act referred to as the principal Acts.

Validity of orders in schedule.

3. The orders made in pursuance of the principal Acts by the education department, which are mentioned in the schedule to this Act, shall be deemed to have been authorized by

144 ELEMENTARY EDUCATION (ORDERS) ACT, 1874.

those Acts, and to have been duly made, and shall have full effect accordingly; and as respects each of the said orders the school district formed thereby shall be deemed to have been and to be legally formed; and any school board which has been or is acting as such in any such district shall be deemed to have been and to be a legally constituted school board; and any persons who have been or are acting as members of a school board in any such district shall be deemed to have been legally chosen, and to have formed and to form a legal school board; and on the retirement of all or any members of a school board in any such district, the vacancies may be filled up in the same manner in all respects as if such retiring members or member had been and were in all respects legally chosen members of a legally constituted school board.

Validity of future orders.

4. From and after the passing of this Act the education department may, if they think fit, make orders directing that any school board, which at the date of any order for forming a united school district exists in any of the school districts constituting such united school district, shall either with or without any change in the existing members, or in the number of the members thereof, be the school board for the united school district.

SCHEDULE.

LIST OF ORDERS.

Date of Order.	United District to which Order refers.	County.
7th April, 1873. -	East and West Looe - -	Cornwall.
10th July, 1873 -	Bersham - - - - -	Denbigh.
4th Nov., 1873 -	Hutton Cranswick - -	York (East Riding).
5th Jan., 1874 - -	Mickleton - - - - -	Gloucester.
12th Jan., 1874 - -	Brecon - - - - -	Brecon.
10th Jan., 1874 - -	Narberth - - - - -	Pembroke.
14th Feb., 1874 - -	Newton & Llanllwchaiarn	Montgomery.

THE ELEMENTARY EDUCATION ACT, 1876.

89 & 40 VICT. CAP. 79.

An Act to make further provisions for elementary education.

[15th August, 1876.]

WHEREAS it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and Commons, in this present parliament assembled, and by the authority of the same, as follows:—

PRELIMINARY.

Short title.

1. This Act may be cited as the "Elementary Education Act, 1876."

Extent of Act.

2. This Act shall not, save as otherwise expressly provided, apply to Scotland or Ireland.

But see section 53, as to the application of the Act to Scotland.

Commencement of Act.

3. This Act shall, save as otherwise expressly provided, come into operation on the first day of January, one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act).

PART I.

LAW AS TO EMPLOYMENT AND EDUCATION OF CHILDREN.

Declaration of duty of parent to educate child.

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to

146 THE ELEMENTARY EDUCATION ACT, 1876.

perform such duty, he shall be liable to such orders and penalties as are provided by this Act.

Under the Education Act of 1870 a school board may make byelaws requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children, unless there is some reasonable excuse, to attend school ; but previously to the passing of the present Act there was no express statutory declaration as to the duty of a parent. By section 48, *post*, the word "child" means a child between the ages of five and fourteen years. The making of byelaws is now rendered compulsory by 43 & 44 Vict. c. 23, s. 2, *post*, and by section 3 of that Act, the power is extended to school attendance committees.

As to orders and penalties see sections 11, 12, and 37, *post*, and 34 & 35 Vict. c. 23, s. 4, *post*.

Regulation as to employment of child under 10, and certificate of education or previous school attendance being condition of employment of child over 10.

5. A person shall not, after the commencement of this Act, take into his employment (except as hereinafter in this Act mentioned) any child :

- (1.) Who is under the age of ten years ; or
- (2.) Who being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (hereinafter mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the education department.

For the conditions of employment issued by the education department, see Appendix, p. 349.

The term "certified efficient school" (as to which see section 48, *post*) includes a certified day industrial school, and it is the duty of the inspector of day industrial schools to see that the above provisions are strictly observed in certified day industrial schools. See Art. 22 of the Order of 20th March, 1877, in the Appendix, p. 440.

By the New Code of 1881, Art. 20, 150 attendances may be accepted in the place of 250, for the purpose of obtaining grants to day schools, in the case of scholars who, being ten years of age or upwards, (1) Have passed the standard prescribed by the byelaws of the district in which they reside, for the partial exemption from the obligation to attend school; or (2) Have, in the opinion of the department, satisfied the conditions prescribed for legal employment by the Elementary Education Acts, 1876 and 1880. This will include—(1) Half-timers under the Factory and Workshop Act, 1878, who were so employed on the 26th of August, 1880. See 43 & 44 Vict. c. 23, s. 4. (2) Scholars who, in any year since the Act of 1876 took effect, have obtained certificates of proficiency, or previous due attendance at school, as fixed for that year by Schedule I. of that Act. See 43 & 44 Vict. c. 23, s. 2.

As to the standards of proficiency and of attendance at a certified efficient school for certificates under this Act, see section 24 *post* and, note thereto, and Rules 1, 2, and 3 in the first schedule to this Act.

As to the definition of employment in the case of a parent, see section 47, *post*, and the power of the local authorities to enter place of employment, see section 29, *post*.

Byelaws made in pursuance of 43 & 44 Vict. c. 23, s. 2, are not to prevent a child employed, at date of such byelaws taking effect, in accordance with 39 & 40 Vict. c. 79, from continuing to be so employed.

If a child over ten years of age leaves the workhouse to go to service, such child will not be able to be employed unless the requirements of sub-section (2) have been complied with.

For the orders of the local government board prescribing attendance, as regards workhouse schools, see Appendix, pp. 418, 420.

See also Glen's Poor Law Orders, 8th ed., pp. 305—312, for the general orders of the local government board with regard to this section.

Penalty for employing a child in contravention of Act.

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

As to whom shall be deemed to take a child into his employment in contravention of this Act see 43 & 44 Vict. c. 23, s. 4, *post*. And see section 47, *post*, as to the definition of employment in the case of a parent.

Enforcement of Act by school board or school attendance committee of existing local authority or by inspectors of factories or mines.

7. The provisions of this Act respecting the employment of children shall be enforced—

- (1.) In a school district within the jurisdiction of a school board, by that board; and

148 THE ELEMENTARY EDUCATION ACT, 1876.

(2.) In every other school district by a committee (in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish.

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one-third at least shall consist of ex-officio guardians, if there are any and sufficient ex-officio guardians.

Every such school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known.

See the circular of the education department, dated the 30th December, 1876, addressed to boards of guardians with regard to the election of school committees, in the Appendix, p. 400.

See also the general order of the local government board dated the 14th April, 1877, prescribing regulations as to school attendance committees, and the orders amending the same in the Appendix, pp. 405—417.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

It shall be the duty of the local authority to report to the education department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the education department any complaint which they may receive of the infraction of those provisions.

Section 2 of 43 & 44 Vict. c. 23, *post*, enacts that where byelaws are made in pursuance of that section, they shall not prevent a child, who at

the date of their taking effect, is employed in accordance with the Elementary Education Act, 1876, from continuing to be so employed. As to the enforcement of byelaws with respect to the employment of children see section 4, *ib.*

The school attendance committee will be appointed annually by the guardians at the first meeting after the annual election of guardians or some other meeting fixed with the approval of the local government board for the purpose. Sched. 2, Rule 6, *post.*

For the provision for the addition to or diminution of the number of a school attendance committee, see section 32, *post.* See also section 33, *post.*, for the powers of the urban sanitary authority to appoint school attendance committees.

As to what is a "public elementary school" see section 7 of the Elementary Education Act, 1870, *ante.*

The school attendance committees are empowered to incur such reasonable expense as may be necessary to enable them to publish the provisions of the Act pursuant to this section.

For the regulations prescribed by the local government board with reference to the proceedings of school attendance committees appointed by guardians see the order of the 14th April, 1877, in the Appendix, *post.*, p. 405.

Employment and education of children in factories, &c.

8. *Whereas by sections fourteen and fifteen of the Workshop Regulation Act, 1867, provision is made respecting the education of children employed in workshops, and it is expedient to substitute for the said sections the provisions respecting education of the Factory Acts, 1844 and 1874: Be it therefore enacted, that sections thirty-one, thirty-eight, and thirty-nine of the Factory Act, 1844, and sections twelve and fifteen of the Factory Act, 1874, shall apply to the employment and education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshop Acts, 1867 to 1871.*

Provided that section twelve of the Factory Act, 1874, shall not apply to any child so employed who has attained the age of seven years before the commencement of this Act.

This section is repealed by section 107 of the Factory and Workshops Act, 1878 (41 Vict. c. 16).

The sections of which, relating to the employment of children, will be found in the Appendix, *post.*, pp. 206-210, together with the sections of the Coal Mines Regulation Act, 1872, with reference to the attendance at school of children employed in connection with mines.

With regard to the enforcement of the Act in regard to the employment of children in factories and workshops, see section 7, *ante.*

150 THE ELEMENTARY EDUCATION ACT, 1876.

Exception to prohibition of employment of children.

9. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either:—

(1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner: or

(3.) That the employment is exempted by the notice of the local authority hereinafter next mentioned (that is to say);

The local authority may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops, for the period to be named in such notice: Provided that the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the education department and to the overseers of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit.

Further as to whom shall be deemed to have taken a child into his employment in contravention of this Act, see 43 & 44 Vict. c. 23, s. 4, *post*.

As to the definition of employment in the case of a parent, see section 47, *post*.

A notice under sub-section 3 of this section, if issued, must extend to the whole district; but it may be confined to children to be employed in particular industries, or to a particular branch of husbandry.

Payment of school fees for poor parents.

10. The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such a child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

See the regulations of the education department as to the proceedings of guardians in the Appendix, pp. 369—382. See also the orders of the local government board amending the same in the Appendix, pp. 383—417, and the order of the 9th January, 1878, as to the allowance of school fees by way of loan, Appendix, p. 392.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends, or does not attend any particular public elementary school.

The twenty-fifth section of the Elementary Education Act, 1870, is hereby repealed.

The foregoing section it will be noticed applies only to persons who are not paupers—as to pauper children, see section 40, *post*.

The school fees of children who are not paupers are to be charged by the guardians to the parish, see section 35, *post*. See also section, 37, as to the punishment for fraudulently obtaining payment of school fees. The school attendance committee have not any power to pay such fees, and the guardians cannot, under this section, delegate their powers to such committee.

152 THE ELEMENTARY EDUCATION ACT, 1876.

Applications under this section must be made to and be determined by the board of guardians under the order of the 22nd of March, 1877, in the Appendix, p. 369, and not by the school attendance committee.

Further see note to section 3 of 36 & 37 Vict. c. 86.

By the general order of the 9th January, 1878, in every case in which the guardians decide to pay the school fee, or any part thereof, under the provisions of this section, and declare the money so paid to be given by way of loan to the parent of the child, such money shall be considered as given by way of loan to the parent accordingly. And in every case where the money is so paid by way of loan, it shall be recoverable in accordance with the provisions of the Poor Law Acts applicable to the recovery of other relief given on loan.

For the above mentioned orders, see Glen's Poor Law Orders, eighth edition, pp. 492 and 514.

Provision as to order of court for attendance at school of child habitually neglected by parent, or habitually wandering and consorting with criminals or disorderly persons.

11. If either—

(1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child ; or

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals ;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse :

(1.) That there is not within two miles, measured according to the nearest road, from the residence of such

child any public elementary school open which the child can attend, or

- (2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

An order made in pursuance of this section must be made in manner directed by Art. 13 of the order in council of the 20th March, 1877 (see Appendix, p. 432). A school attendance committee cannot take proceedings under this section in the case of a child attending a workhouse school certified under section 48, *post*; and not being a public elementary school would have no duty with respect to it under the last paragraph of this section.

It will not be the duty of the clerk to the guardians as clerk (being a solicitor) to conduct prosecutions under sections 11 and 12. If he be so employed it will be in the character of solicitor, and a general authority may be given to him by the guardians so to act. But it is said that the guardians may under Art. 12, No. 4, of the Regulations direct the school attendance officer to conduct such prosecutions.

It was held in the cases of *Ex parte The School Board of London, re Murphy* (L. R. 2 Q. B. D. 397; 36 L. T. (N.S.) 698; 41 J. P. 693), and *Morgan v. Heycock* (44 J. P. 199), that parents habitually neglecting to send their children to school could not be summoned under any byelaws of a local authority, but must be summoned under this section. This difficulty is now obviated by section 4 of 43 & 44 Vict. c. 23, *post*, which enables proceedings to be taken under byelaws, notwithstanding that the offence may be punishable under this section. See note to section 74 of 33 & 34 Vict. c. 75, *ante*, p. 80.

Proceedings on disobedience to order of court for attendance at school.

12. Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows :

- (1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court

that there is no such school suitable for the child, then to a certified industrial school; and

See the recent case of *Richardson v. Saunders* in note to section 74 of the Act of 1870, *ante*.

A previous conviction under 39 & 40 Vict. c. 79, s. 11, need not like any other summary conviction be proved by formal evidence on a further charge under this sub-section. It is sufficient that the officer of the school board prove that he heard the decision and that the clerk of the court produce the minute or note in his book. *London School Board v. Harvey*, L. R. 4 Q. B. D. 451; 43 J. P. 316.

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

A child shall be sent to a certified industrial school or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

Where the complaint has been made by a school attendance committee, the council, guardians, or sanitary authority by whom such committee was appointed have power under 42 & 43 Vict. c. 48, s. 4, *post*, to contribute towards the maintenance of the child in the industrial school.

An order made in pursuance of this section must be made in the manner directed by Art. 14 of the order in council of the 20th March, 1877 (see Appendix, p. 433).

As to duty of the clerk to guardians with regard to conducting prosecutions under this section, see note to section 11, *ante*.

As to what is a "certified industrial school," see 29 & 30 Vict. c. 118, s. 5; and as to a "certified day industrial school," see section 16, *post*.

The provisions of the Industrial Schools Act, 1866, with regard to the contributions by parents towards the maintenance of children in industrial schools, and the orders for the enforcement of contributions, are as follows:—

Section 39. "The parent, step-parent, or other person for the time being legally liable to maintain a child detained in a certified industrial school shall, if of sufficient ability, contribute to his maintenance and training therein a sum not exceeding five shillings *per* week.

Section 40. "On the complaint of the inspector of industrial schools, or of any agent of the inspector, or of any constable under the directions of the inspector (with which directions every constable is hereby required to comply), at any time during the detention of a child in a certified industrial school, two justices or a magistrate having jurisdiction at the place where the parent, step-parent, or other person liable as aforesaid resides may, on summons to the parent, step-parent, or other person liable as aforesaid, examine into his ability to maintain the child, and may, if they or he think fit, make an order or decree on him for the payment to the inspector or his agent of such weekly sum, not exceeding five shillings *per* week, as to them or him seems reasonable, during the whole or any part of the time for which the child is liable to be detained in the school.

"Every such order or decree may specify the time during which the payment is to be made, or may direct the payment to be made until further order.

* * * * *

"Every such payment, or a proper proportionate part thereof, shall go in relief of the charges on Her Majesty's treasury, and the same shall be accounted for as the commissioners of Her Majesty's treasury direct, and where the amount of the payment ordered in respect of any child exceeds the amount contributed by the commissioners of Her Majesty's treasury in respect of that child, the balance shall be accounted for and paid to the managers of the school.

"The secretary of state may, in his discretion, remit wholly or partially any payment so ordered.

"Two justices or a magistrate having jurisdiction to make such an order or decree may from time to time vary any such order or decree as circumstances require, on the application either of the person on whom such order or decree is made, or of the inspector of industrial schools, or his agent, on fourteen days' notice being first given of such application to the inspector or agent, or to such person respectively."

Special provisions are made by this Act (see section 16) as to the contributions by parents in the case of children sent to a certified day industrial school.

156 THE ELEMENTARY EDUCATION ACT, 1876.

Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

18. Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

In any proceedings taken by a local authority in pursuance of this section the provisions of the order in council of the 20th March, 1877, are to be strictly observed. See Art. 16, in the Appendix, p. 434.

The classes of children who may be sent to industrial schools are—

Any child apparently under the age of *fourteen years* who is brought before two justices or a magistrate and comes within any of the following descriptions :—(1) That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms; or (2) that is found wandering and not having any home or settled place of abode or proper guardianship or visible means of subsistence; or (3) that is found destitute, either being an orphan or having a surviving parent who is undergoing penal servitude or imprisonment; or (4) that frequents the company of reputed thieves. 29 & 30 Vict. c. 118, s. 14.

Any child apparently under the age of *twelve years* who is charged before two justices or a magistrate with an offence punishable by imprisonment or a less punishment, but has not been convicted of felony. s. 15.

Any child apparently under the age of *fourteen years* whose parent or step-parent or guardian represents to two justices or a magistrate that he is unable to control him, and that he desires that the child should be sent to an industrial school; s. 16 and

Any child apparently under the age of *fourteen years*, maintained in a workhouse or pauper school, whom the board of guardians or board of management of the pauper school represent to two justices or a magistrate to be refractory, or to be the child of parents either of whom has been convicted of a crime or offence punishable with penal servitude or imprisonment. s. 17.

In every case the order must be made by the two justices or magistrate before whom the child is brought, or before whom the representation with regard to the child is made, and it is necessary that the justices or magistrate, as the case may be, should be satisfied that it is expedient to deal with the child by sending him to a certified industrial school. s. 14.

The Industrial Schools Acts Amendment Act, 1880, 43 & 44 Vict. c. 15, enacts that section 14 of the Industrial Schools Act, 1866, shall be read and construed as if, after the four several descriptions therein contained, there were added the following descriptions, namely:—

That is lodging, living, or residing with common or reputed prostitutes, or in a house resided in or frequented by prostitutes for the purpose of prostitution;

That frequents the company of prostitutes.

The Prevention of Crime Act, 1871 (34 & 35 Vict. c. 112), further enacts that: Where any woman is convicted of crime, and a previous conviction of a crime is proved against her, any children of such woman under the age of fourteen years who may be under her care and control at the time of her conviction for the last of such crimes, and who have no visible means of subsistence, or are without proper guardianship, shall be deemed to be children to whom in Great Britain the provisions of the Industrial Schools Act, 1866, apply, and the court by whom such woman is convicted, or two justices or a magistrate, shall have the power of ordering such children to be sent to a certified industrial school.

INDUSTRIAL SCHOOL.

License to child sent to industrial school to live out while attending school.

14. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent, give him a license under section twenty-seven of the Industrial Schools Act, 1866, to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a certified efficient school.

The 27th section of the Industrial Schools Act, 1866, enacts that—

“The managers of a school may, at any time after the expiration of eighteen months of the period of detention allotted to a child, by licence under their hands, permit him to live with any trustworthy and respect-

35 & 36 Vict. c. 33,

_____ c. 59,

_____ c. 76

36 & 37 Vict. c. 36

_____ c. 67

_____ c. 86

_____ c. 87, a

37 Vict. c. 2, s. 2 ...

37 & 38 Vict. c. 39

_____ c. 47, i

_____ c. 88

_____ s.

_____ a. 90

38 Vict. c. 23 ...

38 & 39 Vict. c. 56

_____ c. 83

_____ c. 84

_____ c. 89

_____ s.

39 & 40 Vict. c. 61, s.

For the powers of a school board with regard to this section, see the order in council of the 20th March, 1877, in the Appendix, p. 424.

DAY INDUSTRIAL SCHOOL.

Establishment, &c., of day industrial schools.

16. If a secretary of state is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

See 42 & 43 Vict. c. 48, *post*, extending the powers of school boards with regard to contributions to certified day industrial schools.

Premises occupied as a school, the managers of which have received a certificate under the Industrial Schools Act, 1866 (29 & 30 Vict. c. 118, s. 7), constituting it a "certified industrial school," are liable to be rated to the poor. *The Queen v. Overseers of West Derby*, L. R. 10 Q. B. 283.

Any child authorized by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorized by the rules of the school approved by the said secretary of state.

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school,—

- (1.) A prison authority within the meaning of the Industrial Schools Act, 1866, and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and
- (2.) There may be contributed out of moneys provided by parliament towards the custody, industrial training,

elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a secretary of state from time to time recommends; and

- (3.) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees; and
- (4.) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a secretary of state from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by parliament in respect of that child such sum, not

exceeding sixpence a week, and on such conditions as a secretary of state from time to time recommends.

The following regulations, dated the 4th January, 1878, were made by the secretary of state under this sub-section :—"1. In the case of a child sent to a certified day industrial school under an attendance order or without an order of court, the sum which his parents shall undertake to pay towards the industrial training, elementary education, and meals of such child, shall be such sum as may be agreed upon between the parent of the child and the managers of the school, not less than one shilling, nor more than two shillings per week. 2. An attendance at a certified day industrial school shall not count for the purpose of the first schedule to the Elementary Education Act, 1876, unless it comprise three hours of secular instruction."

It shall be lawful for Her Majesty from time to time, by order in council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by order in council, to revoke and vary any order in council made under this section.

Every such order shall be laid before both houses of parliament within one month after it is made if parliament be then sitting, or if not, within one month after the beginning of the then next session of parliament, and while in force shall have effect as if it were enacted in this Act.

A secretary of state may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

If a secretary of state is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of popula-

162 THE ELEMENTARY EDUCATION ACT, 1876.

tion in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided, that the reasons for withdrawing such certificate shall be laid before both houses of parliament within one month after notice of the withdrawal is given, if parliament be then sitting, or if not, within one month after the then next meeting of parliament.

For the powers of a school board, with reference to this section, see the order in council of the 20th March, 1877, in the Appendix, p. 424.

The following are the instructions and regulations as to day industrial schools issued in pursuance of this section.

Managers of a day industrial school desiring to have their school certified under the order in council of the 20th day of March, 1877, must make an application for the purpose to the Secretary of State.

The application must specify—

- (a.) The name and locality of the school.
- (b.) The constitution and powers of the governing body.
- (c.) The religious denomination (if any) with which the school is connected.
- (d.) The conditions of age, sex, health, &c., under which it is proposed to receive children into the school.
- (e.) The maximum number of such children, and any other particulars that may be deemed advisable.

The application must be accompanied by plans of the buildings and premises of the proposed school. Such plans must show the area, height, and connexion of the rooms, the external offices and conveniences attached to the buildings, and necessary details as to the drainage and ventilation, and as to the arrangements for the officers.

The plans will not be approved unless the following conditions are complied with—

- (a.) *Site*.—There must (except in case of special circumstances) be attached to the school an extent of ground sufficient for the exercise and recreation of the children and to secure free ventilation.
- (b.) *Drainage*.—Proper provision must be made for drainage.
- (c.) *Internal Space*.—The schoolroom and day-rooms must each be of such dimensions as to allow 10 square and 100 cubic feet for each child present therein.
- (d.) *Lavatories*.—Sufficient lavatory accommodation must be provided.

If on the favourable report of the inspector a certificate be granted for the school, the rules of the school must be submitted for the Secretary of State's approval.

The rules must specify—

- (a.) The name and locality of the school ;
- (b.) The constitution and powers of the governing body ;
- (c.) The religious denomination (if any) with which the school is connected ;
- (d.) The conditions of age, sex, health, &c., under which children will be received into the school ;

and must embody the following regulations:—

1. *Number*.—The number of children in the school shall not at any time exceed the number for which the certificate has been granted, except with the special sanction of the Secretary of State.

2. *Hours of Attendance*.—The school hours shall be from 8 a.m. to 6 p.m., but the school shall be open to receive children at any time in the morning after 6 a.m.

3. *Dietary*.—The children shall be supplied with one or more meals a day of plain wholesome food according to a dietary to be approved by the inspector.

4. *Instruction*.—The secular instruction shall consist of reading, spelling, writing, dictation, arithmetic, and vocal music, and as far as practicable the elements of geography and English history.

It shall be given for three hours daily.

The religious instruction may be in accordance with the religious denomination of the school, or if the school is connected with no religious denomination, the daily course shall include simple family worship, hymns, and the reading of the scriptures, with explanations and instruction suitable to the age and capacity of the children attending the school. But this rule is subject to the 23rd clause of the said order in council which provides that no child shall attend any religious observance or any instruction in religious subjects to which observance or instruction his parent objects.

5. *Industrial Training*.—The industrial training shall be, for boys, farm or garden work or any common trade or handicraft ; for girls, needlework, house-work, cooking, and, so far as practicable, training in household duties.

6. *Time-table*.—A time-table, showing the hours of attendance, school instruction, work, meals, &c., as approved by the inspector, shall be kept conspicuously affixed in every schoolroom.

7. *Discipline and Punishment*.—The superintendent of the school shall be authorised to punish any child attending the school in case of misconduct. Punishment may consist of forfeiture of rewards and privileges ; confinement (not in a dark room) during school hours ; or, in the case of boys, moderate personal correction. All punishments, with the fault committed, shall be recorded in a book kept for the purpose, to be laid before the managers at their meetings, and to be open to the inspector for examination.

8. *Recreation*.—The children shall be allowed two hours daily for recreation and exercise, and may be taken out for exercise beyond the boundaries of the school.

164 THE ELEMENTARY EDUCATION ACT, 1876.

9. *Visitors*.—The school shall be open to the inspection of visitors at convenient times to be fixed by the managers.

10. *Journal*.—The superintendent shall keep a journal in which he shall record all that passes of any importance, to be laid before the managers at their meetings and the inspector on his visits.

11. *Inspector*.—All books and journals of the school shall be open to the inspector for examination, and if he think it necessary, he may examine any teacher employed in the instruction of the children. His consent shall be necessary to the appointment of the principal schoolmaster and schoolmistress; and previous notice shall be given to him of the appointment or discharge of the superintendent, and of the discharge of the principal schoolmaster and schoolmistress.

12. *Registers, Returns, &c.*—The superintendent shall keep a register of admissions with such particulars concerning the parentage and previous circumstances of each child as may be found requisite.

He shall also keep a register of the attendances, distinguishing therein the children according as they are sent under orders of detention, or under attendance orders, or attend without any order of court. He shall submit such register of attendances, duly vouched by himself and the managers, to the examination of the inspector at the end of each quarter, and at such other times as the inspector may require. He shall also regularly send to the office of the inspector such returns and accounts as may be required, and in the month of January in each year a full statement of the receipts and expenditure of the school for the year ended on the 31st day of December previous, showing all debts and liabilities duly vouched by the manager.

13. *General*.—The officers and teachers of the school shall maintain the discipline and order of the school, and carefully attend to the instruction and training of the children in conformity with these rules and the provisions of the order in council of the 20th day of March, 1877, and the children shall comply with these rules and obey the officers and teachers of the school.

In pursuance of the Elementary Education Act, 1876, the Secretary of State has made the following regulations:—

1. In the case of a child sent to a certified day industrial school under an attendance order or without an order of court, the sum which his parent shall undertake to pay towards the industrial training, elementary education, and meals of such child shall be such sum as may be agreed upon between the parent of the child and the managers of the school, not less than 1s. and not more than 2s. a week.

2. An attendance at a certified day industrial school shall not count for the purpose of the first schedule to the Elementary Education Act, 1876, unless it comprise three hours of secular instruction.

3. The regulations made by the Secretary of State on the same subject on the 10th April, 1877, are hereby cancelled.

Whitehall, 4th January, 1878.

The recommendations of the Secretary of State as to parliamentary grants to certified day industrial schools are in the Appendix, p. 455.

Conditions of contribution to day industrial schools.

17. The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the secretary of state, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools, but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a secretary of state for the purposes of contributions to a day industrial school shall be laid before parliament in the same manner as minutes of the education department relating to the annual parliamentary grant.

It is the duty of the inspector of day industrial schools to ascertain that such conditions have been duly observed: see Art. 21 of the Order of 20th March, 1877, in the Appendix, p. 439.

As to parliamentary contributions to a certified day industrial school, see section 16 (2) and (4).

The standards of proficiency for the purpose of grants to public elementary schools are prescribed by the New Code of 1881.

PARLIAMENTARY GRANT.*Contribution for fees of children who obtain certificates.*

18. Where, during the first five years after the commencement of this Act, or any further period which Her Majesty may from time to time fix by order in council, a child, before he has attained the age of eleven years, obtains such certificate of proficiency in reading, writing, and elementary arithmetic, and also such certificate of previous due attendance at a public elementary school, as are in this Act in that behalf mentioned, then, subject to the regulations and conditions contained in an order of the education department for the time being in force under the first schedule to this Act, the school fee payable by such child at any public elementary school in the course of the three years next after he obtains the last of such certificates, not exceeding the ordinary fee charged at such school, may be paid by the education department out of moneys provided by parliament, the school fees

166 THE ELEMENTARY EDUCATION ACT, 1876.

so paid to be reckoned as school pence to be met by the grant payable by the department.

As to the certificates of proficiency and due attendance at a public elementary school, see section 24 and Schedule 1, *post*; and as to the number of children entitled to fees, see Schedule 1, Rules 8 and 9, *post*. See also Rule 4.

Amendment of 83 & 84 Vict. c. 75, s. 97, as to conditions of annual parliamentary grant.

19. So much of section ninety-seven of "The Elementary Education Act, 1870," as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that the grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than the parliamentary grant, shall be repealed as from the thirty-first day of March, one thousand eight hundred and seventy-seven.

After the thirty-first day of March, one thousand eight hundred and seventy-seven, the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that—

(1.) Such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds the said amount per child; and

(2.) Where the population of the school district in which the school is situate, or the population within two miles, measured according to the nearest road, from the school is less than three hundred, and there is no other public elementary school recognized by the education department as available for the children of that district, or that population (as

the case may be), a special parliamentary grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and if it does not exceed two hundred, of fifteen pounds; and

- (8.) The said special grant shall be in addition to the ordinary annual parliamentary grant, and shall not be included in the calculation of that grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned.

As to what is an "average attendance at the school," see Arts. 23-27 of the New Code of 1881, and Arts. 17-22 for the provisions as to grants.

Where the managers of an elementary school, which has been recognized as a "certified efficient school" (as to which, see Appendix, p. 328), wish to obtain annual aid, they must intimate their wish to the education department.

Conditions for obtaining parliamentary grant.

20. The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

For the definition of "public elementary schools," see 33 & 34 Vict. c. 75, s. 7, *ante*.

BYELAWS.

School attendance committee to have like powers with school boards of enforcing by byelaw attendance of children.

21. In a school district not within the jurisdiction of a school board, if it is a borough the school attendance committee *may if they think fit*, and if it is a parish the school attendance committee for the union comprising such parish *on the requisition of the parish, but not otherwise*, shall make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such school attendance committee were a school board.

The words printed in italics are repealed by 43 & 44 Vict. c. 23, s. 6.

Section 3 of 43 & 44 Vict. c. 23, *post*, now provides that school attendance committees for unions comprising parishes may make byelaws in pursuance of this section without the requisition of the parish.

168 THE ELEMENTARY EDUCATION ACT, 1876.

Section 2, of that Act, renders the duty of local authorities to make byelaws compulsory.

Section 7, *ante*, and section 33, *post*, provide for the appointment of "school attendance committees."

Provisions as to requisition of parish.

22. *The requisition of a parish to a school attendance committee for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the education department, as a resolution for an application to the education department for a school board, and the expenses incurred with reference to such resolution may be paid in like manner.*

The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the byelaws desired by the parish, and in making and approving the byelaws the school attendance committee and the education department shall consider and have due regard to such representations.

This section is repealed by 43 & 44 Vict. c. 23, s. 6, *post*.

Section 4 of 43 & 44 Vict. c. 23, *post*, now renders the requisition of the parish unnecessary.

Provision as to byelaws under section 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75), as extended by this Act.

23. For the purposes of this Act section seventy-four of the Elementary Education Act, 1870, and all enactments of that or any other Act referring to byelaws under that section, shall be construed as if "school board" included the authority authorized by this Act to make byelaws:

Provided that nothing in any byelaw shall authorize the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the byelaws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

Further as to the powers of school attendance committees to make byelaws, see 43 & 44 Vict. c. 23, *post*.

Section 4 of 43 & 44 Vict. c. 23, *post*, enables proceedings to be taken under byelaws, notwithstanding that the offence may be punishable under section 11 of 36 & 37 Vict. c. 86, *ante*.

ADMINISTRATIVE PROVISIONS.*Supplemental provisions as to certificates of proficiency and previous attendance at school.*

24. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the first schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The education department may from time to time by order make, and when made, revoke and vary regulations with respect to certificates of age for the purposes of this Act, and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the education department under this section shall be laid before parliament in the same manner as minutes of the education department relating to the annual parliamentary grant.

A certificate under 7 Vict. c. 15, s. 15, for Factory Act purposes cannot be claimed under the Education Acts.

If the school board require certificates for the purposes of the Act it seems that they would be justified in defraying the cost of them. For the regulations of the education department with regard to certificates of age, attendance, and proficiency, see Appendix, p. 335. For forms of the certificates, see Appendix, pp. 344-346.

It appears that children above 13 but under 14 years of age can obtain labour certificates if they have made 250 attendances for 5 years in not more than two schools, although they may not have passed the full-time standard of the byelaws of the district, otherwise they must pass the fourth standard. And children between 10 and 13 years of age may be employed as half-timers, if they can pass the half-time standard of their district, which is generally the third standard.

By the New Code of 1881, Art. 20, 150 attendances may be accepted in the place of 250, in order to obtain grants to day schools, in the case of scholars who were employed as half-timers under the Factory and Workshop Act, 1878, on the 26th of August, 1880.

Certificates of birth for purposes of Act.

25. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent-registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

For the form of requisition mentioned in this section and as to the fee for the same, see the order of the Local Government Board of the 22nd February, 1877, in the Appendix, p. 367.

The certificate of birth mentioned in this section will not be liable to a penny stamp as it comes within the exemption in the Stamp Act, 38 & 34 Vict. c. 97, schedule, "copy or extract (*certified*) of a form from any registrar of births, baptisms, marriages, deaths, or burials, *exceptions* (1) copy or extract furnished by any clergyman, registrar, or other official person pursuant to and for the purposes of any act of parliament, or furnished to any general or superintending registrar under any general regulation."

It seems that if the school board require certificates of births for the purposes of the Act they would be justified in paying for them.

The local authority cannot insist upon the production of the registrar's certificate of birth, where the managers of a school offer reasonable evidence of the age of a child, unless they are prepared to pay the cost of procuring such certificate. See Art. 21 (b) of the regulations of the education department, dated 2nd April, 1878, in the Appendix, p. 339.

Previous to the regulations referred to, where a school board proposed to defray the cost of the certified copies in all cases in which certificates were needed for entering up the child's school book, the Local Government Board made the following statement:—"It seems to the board that it devolves on the parents to procure the certificates of age required for filling up the child's school book, and that consequently as a general rule the expenses ought not to be borne by the school board. There may be cases of necessity, however, where the school board, in order to secure the parliamentary grant, may find it necessary to obtain the certificate, but these are exceptional cases and cannot be relied on as a general rule."

It was also suggested that the superintendent registrar should fill up the child's school book at the cost of the school attendance committee,

and the Local Government Board stated that there did not appear to be any authority under which such a payment could be made by the committee to the superintendent registrar.

Returns of registrars of births and deaths to school boards.

26. Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

It will be noticed that the registrar only is mentioned in the section and not the superintendent registrar.

Provision in case of failure of local authority to perform their duty under this Act.

27. If the education department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that such authority have failed to fulfil their duty under this Act, the education department (without prejudice to any other remedy)—

- (a) If the authority are a school board, may proceed as if such board were a school board in default within the meaning of the Elementary Education Act, 1870; and
- (b) If the authority are not a school board, may by order appoint any persons for a specified period not exceeding two years to perform the duty of the defaulting school attendance committee under this Act, and from time to time change such persons.

During the said specified period the persons so appointed shall perform the duty of the defaulting school attendance committee under this Act, to the exclusion of that committee,

and shall in the performance and for the purposes of such duty be invested with all the powers of the school attendance committee, but shall not be subject to any control on the part of the council or guardians who appointed the defaulting committee; but after the expiration of such period a school attendance committee shall forthwith be appointed by the council or guardians as the case may require, and shall resume the duty of the local authority under this Act, subject nevertheless to any further proceeding under this section in the case of a new default.

All expenses incurred by persons appointed under this section by the education department to act in lieu of a defaulting school attendance committee, including such remuneration, if any, as the education department may assign to such persons, shall, to the amount certified by the education department to be due, be a debt to Her Majesty from the council or guardians by whom the defaulting committee were appointed, and may be recovered accordingly; and the certificate of the education department shall be conclusive evidence that the sum named in the certificate is due under this section.

The education department shall annually report to parliament the cases in which any proceedings have been taken by them in pursuance of this section.

For the provisions with regard to proceedings, where a school board are in default under 33 & 34 Vict. c. 75, see sections 63-66 of that Act, *ante*.

Officers of local authority.

28. Every local authority, but subject in the case of a school attendance committee to the approval hereinafter mentioned, shall direct one or more of their officers, or the officers of the council or guardians by whom the committee are appointed, to act in the execution of this Act, and of any byelaws in force within the jurisdiction of such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

The approval referred to is, in the case of a school attendance committee in a borough, the consent of the council, and in the case of a school

attendance committee appointed by guardians, the consent of such guardians and also of the local government board, see section 31, *post*.

A registrar of births and deaths is not an officer of the guardians within this section.

Power of officer of local authority to enter place of employment.

29. If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorized by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

See sections 5, *ante*, and 47, *post*, and 43 & 44 Vict. c. 23, s. 4, *post* as to the prohibition of the employment of children, and section 37, *post*, as to the enforcement of penalties.

Provision as to powers and expenses of school board.

30. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

With regard to this section, see the Elementary Education Act, 1870, sections 53–56, *ante*, and sections 28 and 31 of the present Act.

Expenses of local authority other than school board.

31. A school attendance committee under this Act shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed, and where they are appointed by guardians, also of the local government board, but with such consent may employ and pay any officer of such council

174 THE ELEMENTARY EDUCATION ACT, 1876.

or guardians. The expenses (if any) of a school attendance committee under this Act shall be paid,—

- (1.) Where the committee is appointed by a council, out of the borough fund or borough rate; and,
- (2.) Where the committee is appointed by a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish.

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

The consent referred to in this section applies also to the provisions contained in 42 & 43 Vict. c. 48, *post*.

The provisions as to expenses in this section apply also to expenses incurred under 42 & 43 Vict. c. 48, s. 4.

The rateable value will be ascertained from the valuation lists in force for the time being.

Contributions called for by guardians from overseers are enforced under 2 & 3 Vict. c. 84, s. 1, which is as follows:—

“In every case in which any contribution by overseers or other officers of any parish of moneys required by the guardians, acting for such parish or for any union which shall include such parish, shall be in arrear, it shall be lawful for any two justices acting within the district wherein such parish shall be situate, on application under the hand of the chairman or acting chairman of the board, to summon the overseers or other officers to show cause, at a special sessions to be summoned for the purpose, why such contribution has not been paid, and after hearing the complaint preferred under the authority of such chairman or acting chairman, and on behalf of such board, if the justices at such sessions shall think fit, by warrant under their hands and seals, to cause the amount of the contribution so in arrear, together with the costs occasioned by such arrear, to be levied and recovered from the said overseers or other officers in like manner as moneys assessed for the relief of the poor may be levied and recovered, and the amount of such arrear, together with the costs as aforesaid, when levied and recovered to be paid to the said board: Provided always that no distress made under any such warrant of justices shall be replevisible.”

The local government board, in their circular of the 15th September, 1877, state that it will not be necessary, except where the jurisdiction of the school attendance committee extends over part only of the parish, that the overseers should keep any separate account with reference to

the payments made by them in respect of this section ; but they will be entered in their ordinary account in the Receipt and Payment Book. See Appendix, p. 412. See also their circular addressed to boards of guardians with reference to this section in the Appendix, p. 413.

Provisions as to school attendance committee and appointment of local committee.

32. Subject to the provisions of this Act the council or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them.

A school attendance committee appointed by guardians shall act for every parish in the union which is not for the time being under any other local authority within the meaning of this Act.

A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any byelaws or take any proceeding before a court of summary jurisdiction under this Act.

A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of the council, guardians, or authority by whom that school attendance committee were appointed, or partly such members and partly other persons.

The provisions contained in the second schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act.

With regard to the number of members of a school attendance committee, see section 7, *ante*, and also section 33, *post*.

As to school attendance committees and local committees, and their tenure of office, see the rules in schedule 2, *post*.

See also the circular of the education department, dated the 30th December, 1876, in the Appendix, *post*, p. 400, as to the election of school attendance committees.

Under the first part of this section the number of members can be added to or diminished only subject to the maximum and minimum prescribed by section 7, *ante*.

176 THE ELEMENTARY EDUCATION ACT, 1876.

Power to authorize appointment of school attendance committee by urban sanitary authority.

38. On the application of the urban sanitary authority of an urban sanitary district which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a school board, containing according to the last published census for the time being a population of not less than five thousand, the education department may by order authorize the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the local authority for the purposes of this Act, and all the provisions of this Act shall apply accordingly as if the sanitary authority were the council of a borough.

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes comprised in the district of such authority, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority.

As to the powers of a board of guardians to obtain contributions, see sect. 31 (2), *ante*.

With regard to the exemption of parishes within the district of an urban sanitary authority from contributions to the fund raised under section 31, see paragraph 4 of the circular letter of the local government board of the 15th September, 1877, in Appendix, p. 414.

Any byelaws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to be revoked or

altered by the school attendance committee of the sanitary authority in pursuance of section seventy-four of "The Elementary Education Act, 1870," as amended by this Act.

Where an urban sanitary district is not and does not comprise a borough, and is not wholly within the jurisdiction of a school board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the education department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or the part thereof not within the jurisdiction of a school board is situate, and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attendance committee, and have the same powers and authorities as if they had been appointed by the guardians.

Where a school board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the school board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the school board.

All byelaws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of "The Elementary Education Act, 1870," as amended by this Act.

With regard to a parish situated partly within and partly without a borough, see 33 & 34 Vict. c. 75, s. 77, *ante*, which constitutes that part situate without the borough a separate parish. See also section 49, *post*.

Clerk of school attendance committee of guardians and application of Acts to guardians and school attendance committee.

84. In a union the clerk of the guardians shall be the clerk of the school attendance committee for the purposes of this Act.

If there be an assistant clerk to the guardians, he cannot act as clerk to the school attendance committee except as assistant to the clerk.

178 THE ELEMENTARY EDUCATION ACT, 1876.

All enactments relating to guardians and their officers and expenses, and to relief given by guardians shall, subject to the express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act, and expenses incurred and money paid for school fees and relief given under this Act, were respectively acting, incurred, and paid and given as relief, under the Acts relating to the relief of the poor, and the local government board may make rules, orders, and regulations accordingly.

This section appears to apply to school attendance committees the provisions of 30 & 31 Vict. c. 106, s. 27, which enacts that, "Where a union extends into several distinct jurisdictions, every matter, act, charge, or complaint by which the guardians thereof are affected, or in which they have any interest, shall for the purpose of jurisdiction be deemed to arise or exist equally throughout the union."

For the general order of the local government board prescribing regulations as to proceedings of guardians, see Appendix, p. 369.

Expenses under 42 & 43 Vict. c. 48, s. 4, are to be paid as provided by this section.

Any expenses incurred by officers of guardians in carrying into effect section twenty of "The Elementary Education Act, 1873," when paid by such guardians, may be charged by them to the parish in respect of which such expenses are incurred.

Charge to parish of money for school fees.

85. Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges.

This section refers to section 10, *ante*.

See also the regulations of the education department as to proceedings of guardians in Appendix, p. 369.

Effect of subsequent appointment of school board.

86. Where a school board is appointed after the commencement of this Act for any school district the authority acting at the time of such appointment as the local authority under

this Act shall continue so to act until the expiration of two months after the election of such board, and shall then cease so to act for such district; nevertheless, all byelaws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of the Elementary Education Act, 1870.

LEGAL PROCEEDINGS.

Application of 36 & 37 Vict. c. 86, ss. 28-5, to penalties, and punishment for fraudulently obtaining payment of fees.

37. Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto.

And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board or local authority payment, or remission of payment, or an order for payment, or remission of payment, of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

For the provisions of the Summary Jurisdiction Acts, see "The Summary Jurisdiction Acts," by Mr. W. C. Glen, fourth edition.

Where a school board exists that board is the local authority, and therefore frauds upon the guardians under section 10, *ante*, will apparently be dispensable under the Education Acts.

See the circular of the local government board as to the separate account to be kept by the overseers of special rates levied by them in the Appendix, p. 412.

No prosecutions except with the authority of two members of a school board or local authority.

38. No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of sum-

mary jurisdiction by any person appointed to carry out the compulsory byelaws of a school board or local authority, except by the direction of not less than two members of a school board or school attendance committee.

For the officers appointed to carry out byelaws, see sections 28 and 31 *ante*.

During the hearing of a case before the Southwark police court, Mr. Bridge, the magistrate, asked whether the prosecution had been authorized by two members of the school board, when it was said, that the general practice was for one member to hear the case, and when a prosecution was ordered the sanction of a second member was obtained. The magistrate was of opinion that that was not sufficient, the words of the Act being: "No legal proceedings for non-attendance at school shall be commenced in a court of summary jurisdiction by any person appointed to carry out the compulsory byelaws, except by direction of two members of the school board."

He considered that "direction" implied "investigation," and in his opinion a great many summonses were taken out, which, if carefully considered, would not be taken out; and the meaning of the Act seemed to be that where a prosecution is directed the case has been considered by two members of the board, and is believed by them to be a case for the magistrate.

It was replied that that had been the practice. As a rule, one member heard the case, and if he thought a summons necessary, the cases were presented *en bloc* to another member, whose consent was obtained to the prosecution.

The magistrate said he did not consider that sufficient. It seemed to him that the meaning of the Act was that two members of the board should give their minds to a consideration of the cases and should give their approval to a prosecution before a summons was taken. In his opinion a number of cases were brought forward which, if fairly considered, would never be brought before the magistrate. He might be wrong in his interpretation of the Act, but if he found at some future time that the case had not been considered by two members of the board, he would dismiss all the summonses, and grant a case for a superior court.

Exemption of employer on proof of guilt of some other person.

89. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false repre-

sentation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

As to when a child is employed in contravention of this Act, see sections, 5, *ante*, section 51, *post*, and 43 & 44 Vict. c. 23, s. 4, *post*.

MISCELLANEOUS.

Adaptation of 36 & 37 Vict. c. 86, s. 3, respecting pauper children to this Act.

40. Whereas by section three of the Elementary Education Act, 1878, provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act, it is expedient to substitute for the said section the enactment following: be it therefore enacted as follows:—

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five

182 THE ELEMENTARY EDUCATION ACT, 1876.

years who has not reached the standard in reading, writing, and arithmetic, prescribed by standard three of the code of one thousand eight hundred and seventy-six, or who for the time being either is prohibited by this Act from being taken into full time employment; or is required by any byelaw under section seventy-four of the Elementary Education Act, 1870, as amended by this Act to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Section 5 of 43 & 44 Vict. c. 23, *post*, now enacts that continuance of relief, out of the workhouse, to a parent or child, shall not be conditional upon such child attending school further than he is required to attend by any byelaw under section 74 of the Act of 1870, but the section does not apply to a school district in which there is no such byelaw in force.

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case.

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

With regard to this section, see the notes to section 3 of 36 & 37 Vict. c. 86.

The Local Government Board have made the following statement with regard to the payment of school fees by guardians :—" As regards the payment of school fees, the following plan, which has been adopted

by several boards of guardians, appears to them to be well calculated to give effect to the provisions of the Act. The relieving officer of each district is supplied with tickets containing spaces for the insertion of the name of the child, the school selected for it, and the number of attendances. The name of the child and of the school are filled in by the relieving officer, and the number of attendances by the schoolmaster, and certified by his signature. Each recipient of relief who has a child is supplied weekly with a ticket for the child, filled up by the relieving officer (as before stated), and the ticket issued by the relieving officer in the one week is returned to him signed by the schoolmaster in the following week, when, if necessary, a fresh ticket is given to the pauper in exchange for it. The relieving officer keeps an account of the number of attendances, and certifies the correctness of the school bill when presented for payment at the end of each quarter, or half year, as the case may be, and the amount is then paid by the guardians direct to the schoolmaster. It must, however, be distinctly understood that the school for the child is to be selected by the parent, and not by the board of guardians or the relieving officer."

The Local Government Board, with regard to the entry in the union accounts and the accounts of the relieving officers of school fees paid by the guardians, have stated as follows:—"In cases where an order is made for the school fees to be paid to the parent by the relieving officer, a separate entry, showing the amount granted for the educational relief, should be made, in his application and report book, and in the out-relief list. The amount so paid to the parent must be entered in the relief list as other money payments for relief. Whether the relieving officer should distinguish this payment from the residue of the money is a question which the board consider may properly be left to the determination of the guardians. If the relieving officer pays it in this way out of the money advanced to him for relief, the board do not see that a separate entry is required to be made in the ledger, though it may perhaps be an advantage if the amount be separately shown. If, however, the amount be paid by the relieving officer or by the guardians to the schoolmaster or the school managers on a quarterly or other periodical account, a separate entry should be made in the ledger."

The Local Government Board have stated, "that, if the relieving officer finds that the children have not attended school during the week in accordance with the statute, he cannot lawfully give to the parent any further relief under the relief order of the guardians; but when the relief is discontinued, it will be competent for him, if the case is one of sudden or urgent necessity, to grant relief in kind to the pauper on his own discretion, as in other cases of sudden or urgent necessity." And that, "where relief is given by or on the order of the guardians by weekly allowances, or where relief is given by them or on their order for a period exceeding the interval between the ordinary meetings of the board of guardians, it appears to the board to be within the meaning of the Act."

Money granted under the Elementary Education Act, 1873, s. 3, *ante*, for the education of the children of persons receiving relief out

184 THE ELEMENTARY EDUCATION ACT, 1876.

of the workhouse, need not be paid to the parents, but may, in the discretion of the guardians, be directly applied in payment of the school fees. *Re the Guardians of the Darlington Union*, 32 L. T. (N.S.) 320.

Dissolution of school board under certain circumstances.

41. Where application for the dissolution of a school board is made to the education department by the like persons and in the like manner as an application for the formation of a school board, under section twelve of the Elementary Education Act, 1870, nevertheless by a majority of not less than two-thirds of those who shall vote upon the occasion, and the education department are satisfied that no school and no site for a school is in the possession or under the control of the school board, and that there is a sufficient amount of public school accommodation for the district of the school board, and no requisition has been sent by the education department to such school board under section ten of the Elementary Education Act, 1870, requiring them to supply public school accommodation, it shall be the duty of the education department to take the circumstances of the case into consideration, and if they shall be of opinion that the maintenance of a school board is not required for the purposes of education in the district, it shall be lawful for the education department, after such notice as they think sufficient, to order the dissolution of the school board: Provided always, that no application shall be made for the dissolution of a school board except within six months before the expiration of the period for which the school board has been elected, and no order for the dissolution of such school board shall take effect until after the expiration of such period, except that after the order is made an election of members of that board shall not be held.

The education department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the school board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the department necessary or proper for carrying into effect the dissolution of the board.

The education department shall publish the order in

manner directed by the Elementary Education Act, 1878, with respect to the publication of notices, and after the date of such publication, or any later date mentioned in the order, the order shall have effect as if it were enacted by parliament, without prejudice nevertheless to the subsequent formation of a school board in the same school district; all byelaws previously made by the school board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act: Provided, that if after the dissolution of a school board in any school district the education department are of opinion that there is not a sufficient amount of public school accommodation in such district, they may after due notice, cause a school board to be formed for such school district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice under the Elementary Education Act, 1870.

The education department shall in each case where it shall assent to the dissolution of a school board lay before both Houses of Parliament a statement of its reasons for giving such assent.

For the provisions with regard to the publication of notices, see 36 & 37 Vict. c. 86, s. 20, *ante*.

As to the final notice of the education department, see 33 & 34 Vict. c. 75, s. 9.

Provision of offices by school board with consent of education department.

42. Where a school board satisfy the education department that, having regard to the large population of the district of such board, it is necessary or proper that the board should provide an office, the education department may authorize the board to provide an office, and the board shall for that purpose have the same power as they have under the Elementary Education Acts, 1870 to 1878, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of the Elementary Education Act, 1878, and the provision of such office shall be deemed to be a work for

186 THE ELEMENTARY EDUCATION ACT, 1876.

which a school board is authorized to borrow within the meaning of the Public Works Loans Act, 1875.

For the powers of school boards for providing schools, see 33 & 34 Vict. c. 75, ss. 19 and 37 (7).

Previous to the passing of this Act school boards had no power to provide offices, and the school board for London had to obtain a special Act for that purpose. See note to 33 & 34 Vict. c. 75, s. 19, *ante*. This section, however, obviates the difficulty.

Local authority to send returns.

43. The local authority under this Act (although not a school board) shall send to the education department such returns and information respecting their proceedings under this Act, and respecting matters on which school boards can be required under the "Elementary Education Act, 1870," to make returns, as the education department from time to time require.

With regard to returns, see 33 & 34 Vict. c. 75, s. 95, *ante*.

Amendment of 33 & 34 Vict. c. 75, as to elections to fill casual vacancies in school board.

44. From and after the passing of this Act the Elementary Education Act, 1870, shall be construed as if there were substituted for the rule numbered fifteen in the first part of the second schedule to that Act, which is repealed by this Act, the rule in the third schedule to this Act; and any reference to the said second schedule or the first part thereof shall be construed to refer to the same with the rule so substituted, but the said substitution shall not affect anything done before the passing of this Act.

Application of 33 & 34 Vict. c. 75, ss. 83, 84, to orders and documents of education department.

45. The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the education department, shall apply to all orders and documents of the education department under this Act.

For the provisions mentioned in this section, see 33 & 34 Vict. c. 75, ss. 83 and 84, *ante*.

Effect of schedules.

46. The schedules to this Act shall have effect as if they were enacted in the body of this Act.

Definition of employment in case of parent.

47. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment.

As to this section, see sections 5, 6 and 9, *ante*; and sections 2 and 4 of 43 & 44 Vict. c. 23, *post*.

General definitions.

48. A child in this Act means a child between the ages of five and fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870 and 1873.

The term "certified efficient school" in this Act means a public elementary school, and any workhouse school certified to be efficient by the local government board, and any public or state-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the education department, and is certified by the education department to be an efficient school.

For the rules laid down by the education department, with regard to the conditions under which they will be prepared to recognize elementary schools which do not seek annual aid, &c., as certified efficient schools under this section, see Appendix, pp. 328—334.

The term "Factory Acts" in this Act, where the Factory Act of any particular year is not referred to, means *the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by*

188 THE ELEMENTARY EDUCATION ACT, 1876.

this Act, and any Acts for the time being in force regulating factories and workshops.

The term "secretary of state" means one of Her Majesty's principal secretaries of state.

The words printed in italics are repealed by 41 Vict. c. 16, s. 107.

The sections of the Factory and Workshop Act relating to the education of children will be found in the Appendix, *post*, pp. 206–210.

If a workhouse school be certified under section 48, it becomes a certified efficient school within the meaning of the Act. Consequently in the case of a child receiving instruction in the school the attendance committee could not take proceedings under section 11, *ante*, and as it would not be a public elementary school the committee would have no duty with respect to it under the last paragraph of that section.

Provision as to part of a parish.

49. A part of a parish which by or in pursuance of the Elementary Education Acts, 1870 and 1878, is constituted a separate school district shall be deemed to be a separate school district, and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part of a parish shall apply, and for the purposes of those Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall for the purposes of this Act have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish.

For the provisions constituting parts of parishes separate parishes, see 33 & 34 Vict. c. 75, s. 77, and 36 Vict. c. 86, s. 12, *ante*.

By section 4 of the Poor Law Amendment Act, 1876 (39 & 40 Vict. c. 61), nothing therein contained is to apply to the constitution of school districts, without the sanction of the education department.

In their circular of the 15th September, 1877, the Local Government Board say that they consider that in any case of the kind mentioned in this section the overseers should keep and submit to the auditor under the provisions of section 37 of this Act, a separate account of this special levy, whether it be collected as a separate rate or as an addition to the poor rate, see the Appendix, p. 412.

Construction of this Act with other enactments.

50. Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any byelaw made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or byelaw, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or byelaw only be instituted in respect of the same act, neglect, or default; and any byelaw made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the committal of children to industrial schools or the employment of children contained in any previous Act of parliament which may be more stringent in its provisions than this Act.

Section 4 of 43 & 44 Vict. c. 23, *post*, provides that proceedings may be taken under byelaws, notwithstanding that the offence may be punishable under 39 & 40 Vict. c. 79, s. 11. See the cases of *Ex parte the London School Board, re Murphy*; and *Morgan v. Heycock*, in note to section 11 of the Act of 1876, *ante*.

Temporary modification as to application of Act, and saving for children in employment at passing of Act.

51. *The provisions of this Act with respect to taking children into employment,*

- (1.) *Shall, during twelve months after the commencement of this Act apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and*
- (2.) *Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.*

A child lawfully employed at the passing of this Act may

190 THE ELEMENTARY EDUCATION ACT, 1876.

continue to be employed or may obtain fresh employment at another place in like manner as if this Act had not passed.

This section is repealed by section 6 of the 43 & 44 Vict. c. 23, *post*.

With regard to the employment of children, see sections 5, 6, and 9, *ante*, and 43 & 44 Vict. c. 23, ss. 2 and 4, *post*.

Repeal of Acts.

52. *The Acts mentioned in the fourth schedule to this Act are hereby repealed as from the commencement of this Act, to the extent in the third column of that schedule mentioned.*

The repeal of any enactment by this Act shall not affect anything previously done or suffered in pursuance of that enactment, and every offence against that enactment may be prosecuted, and any penalty thereunder recovered, and any remedy or legal proceeding for anything done in pursuance of that enactment may be had and carried on in like manner as if this Act had not passed.

This section is repealed by section 6 of 43 & 44 Vict. c. 23, *post*.

PART II.

Application of the Act to Scotland.

58. In the application of this Act to Scotland the following provision shall have effect:—

The provisions of this Act with respect to the conditions to be fulfilled by schools in order to obtain annual parliamentary grant shall apply to Scotland.

SCHEDULES.

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND
ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTEND-
ANCE AT SCHOOL. (a)

FOR THE PURPOSE OF EMPLOYMENT.

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(a) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

Standard four under the New Code of 1881 is the same as standard four of the Code of 1876.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not :

(3.) *During the four years next after the commencement of this Act the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table :*

During the Year.	The Standard of Pro- ficiency shall be the Standard of Reading, Writing, and Arithmetic, fixed by the following Standard of the Code of 1876, or any higher Standard, namely,—	The Standard of previous due Attendance shall be	
		The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years, whether con- secutive or not.
1877	Second . . .	250	Two.
1878	Second . . .	250	Two.
1879	Third . . .	250	Three.
1880	Third . . .	250	Four.

(a) See also the Regulations of the education department in the Appendix, p. 835.

192 THE ELEMENTARY EDUCATION ACT, 1876.

Provided that—

- (a.) In the case of a school district in which for not less than three years before the commencement of this Act by-laws have been in force requiring as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the fourth standard of the Code of 1876, or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.*
- (b.) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the table a certificate requiring a higher standard is required for that year.*

This paragraph is repealed by section 6 of 43 & 44 Vict. c. 23, *post*.

FOR THE PURPOSE OF THE PAYMENT OF FEES.

(4.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the education department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876 or such higher standard as may be from time to time fixed by the education department, and shall include any standard higher than the one fixed by this rule, or than the one for the time being fixed by the education department :

Standard four of the New Code of 1881 is the same as standard four of the Code of 1876.

(5.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this

Act with a view to allow of the payment of fees by the education department, shall be three hundred and fifty attendances after five years of age in not more than two schools during each year for five years, or such larger number of attendances as may be for the time being fixed by the education department :

(6.) *Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard, be that shown in the following table :—*

<i>During the Year.</i>	<i>The Standard of previous due Attendance shall be</i>	
	<i>The following Number of Attendances.</i>	<i>In not more than Two Schools during each year for the following Number of Years.</i>
1877	350	<i>Two.</i>
1878	350	<i>Two.</i>
1879	350	<i>Three.</i>
1880	350	<i>Four.</i>

This paragraph is repealed by section 6 of 43 & 44 Vict. c. 23, *post*.

(7.) The education department may from time to time by order make, and when made revoke and vary, such regulations and conditions in relation to the payment of fees under this Act by that department as they may think expedient.

(8.) The order shall provide that not more than ten per cent. of the children presented for examination in a public elementary school shall obtain in the same year certificates entitling them to the payment of fees, and that if the children qualified to obtain such certificates exceed the said percentage, those children who have attended the greatest number of times shall have the preference.

(9.) The order may make the continuance of the payment dependent upon the fulfilment of conditions, and shall provide that the continuance of the payment shall be conditional upon the child attending the school for not less than three hundred and fifty attendances in each year, and obtaining at

194 THE ELEMENTARY EDUCATION ACT, 1876.

the end of each year a certificate of proficiency in reading, writing, and elementary arithmetic according to a standard higher than the standard according to which it obtained the previous certificate.

(10.) The order shall further provide that the school, by previous due attendance at which the child was qualified for obtaining the payment of fees, and the school, the fees at which are paid by the education department, shall be a school, or department of a school, at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week.

MISCELLANEOUS.

(11.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876, and where the attendance is at a certified day industrial school includes such attendance as may be from time to time directed for the purpose by a secretary of state, and where the attendance is at a workhouse school includes such attendance as may be from time to time directed for the purpose by the local government board.

As to what is to be deemed an "attendance" in the case of a child in a workhouse school for the purpose of this rule, see the order of the local government board of the 27th October, 1877, in the Appendix, *post*, p. 418. See also the order of 3rd April, 1878, in the Appendix, *post*, p. 420, for a form of attendance register for workhouse schools.

(12.) The Code of 1876 in this schedule means the code of the minutes of the education department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to public elementary schools in England, and in the case of a school in Scotland means the code of the minutes of the Scotch education department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to elementary schools.

SECOND SCHEDULE.

RULES AS TO A LOCAL COMMITTEE.

(1.) Subject to the provisions of this Act, the school attendance committee may from time to time add to or diminish the number of members, or change the members of any local committee appointed by them, or may dissolve any such committee.

(2.) A local committee shall, unless the school attendance committee appointing them otherwise direct, continue in office until the first meeting of that committee after the next annual appointment thereof, and thereafter until a new local committee is appointed.

RULES AS TO SCHOOL ATTENDANCE COMMITTEE AND LOCAL COMMITTEE.

(3.) Subject to any regulations made in the case of a school attendance committee by the council or guardians appointing it, and in the case of a local committee by the school attendance committee appointing it, the provisions of the third schedule of "The Elementary Education Act, 1870," with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a school attendance committee and a local committee under this Act, as if the body appointing the committee were a school board.

(4.) Any casual vacancy in a school attendance committee or local committee may be filled up by the body who appointed such committee.

(5.) A school attendance committee shall continue in office until the first meeting of the council or guardians appointing it after the next annual election of councillors and guardians, and thereafter until the new committee is appointed.

(6.) A committee appointed by guardians shall be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the local government board for the purpose.

THIRD SCHEDULE.

RULE AS TO ELECTION OF SCHOOL BOARD.

If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum, at a special meeting of the board called for the purpose.

FOURTH SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 146	The Workshop Regulation Act, 1867.	Sections fourteen and fifteen.
33 & 34 Vict. c. 75	The Elementary Education Act, 1870.	Section twenty-five, so much of section seventy-four, and of any byelaw made thereunder, as is affected by the repeal of section twenty-five, and the rule numbered fifteen in the first part of the second schedule, and the rule numbered six in the third part of the second schedule.
36 & 37 Vict. c. 67	The Agricultural Children Act, 1873.	The whole Act.
36 & 37 Vict. c. 86	The Elementary Education Act, 1873.	Section three.
37 & 38 Vict. c. 88	The Births and Deaths Registration Act, 1874.	Section twenty-nine.

ELEMENTARY EDUCATION (INDUSTRIAL SCHOOLS)
ACT, 1879.

42 & 43 VICT. CAP. 48.

An Act to amend the law respecting the powers of school boards in relation to industrial schools.

[11th August, 1879.]

WHEREAS under the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, a school board have power, with the consent of one of Her Majesty's principal secretaries of state, to establish, build, and maintain industrial schools, and to spread the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to borrow money for that purpose :

And whereas a school board, under the said Acts, have the same power as is given to a prison authority by section twelve of the Industrial Schools Act, 1866, to contribute money towards the alteration, enlargement, or rebuilding of an industrial school, or towards the establishment or building of an industrial school, or towards the purchase of land required for the use or for the site of an industrial school :

And whereas under the Reformatory and Industrial Schools Act Amendment Act, 1872, section 12 of the Industrial Schools Act, 1866, is extended to authorise the prison authority themselves to undertake anything towards which they are authorised by that section to contribute :

And whereas doubts have arisen whether a school board have power to undertake themselves anything towards which they are authorised as above mentioned to contribute or have power to spread the payment of the amount of any such contribution or of the cost of any such undertaking over a number of years, and to borrow money for that purpose, and it is expedient to remove such doubts :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords

198 THE ELEMENTARY EDUCATION ACT, 1879.

spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Elementary Education (Industrial Schools) Act, 1879.

This Act and the Elementary Education Acts, 1870 and 1878, and the Elementary Education Act, 1876, may be cited together as the Elementary Education Acts, 1870 to 1879.

Extension to school board of 29 & 30 Vict. c. 118, 33 & 34 Vict. c. 75, 36 & 37 Vict. c. 86, 39 & 40 Vict. c. 75.

2. A school board shall have power themselves to undertake anything towards which they are authorised by the Industrial Schools Act, 1866, as applied by the Elementary Education Acts, 1870 and 1878, and the Elementary Education Act, 1876, or any of them; to contribute, subject nevertheless to the like consent as is required in the case of any such contribution.

See 33 & 34 Vict. c. 75, s. 28, 36 & 37 Vict. c. 86, s. 10, and 39 & 40 Vict. c. 79, s. 15, *ante*, for the provisions of the Elementary Education Acts applying the powers of the Industrial Schools Act, 1866, to school boards.

Power of school board to borrow for contribution towards, or undertaking cost of enlarging, &c., an industrial school.

3. Where a school board resolve to contribute any sum of money towards, or to undertake the cost of the alteration, enlargement, or rebuilding, but not of the furnishing of an industrial school, or the establishment or building, but not of the furnishing of a school intended to be an industrial school, or the purchase of land required either for the use of an existing industrial school, or for the site of a school intended to be an industrial school, such school board, with the consent of one of Her Majesty's principal secretaries of state, shall have the same power of spreading the payment of the sums so contributed, or of the cost of such undertaking, over a number of years, and of borrowing money for that purpose, as they have in the case where they resolve

to establish an industrial school; and the provisions of the Elementary Education Acts, 1870 and 1873, and the Elementary Education Act, 1876, and the Public Works Loans Act, 1875, shall apply accordingly.

For the purposes of this Act an industrial school means a certified industrial school and a certified day industrial school.

For the powers of school boards to contribute towards industrial schools, see 33 & 34 Vict. c. 75, s. 27, *ante*.

As to the notice of intention to make contribution necessary, see 36 & 37 Vict. c. 86, s. 14, *ante*.

For the provisions requiring the consent of one of Her Majesty's principal secretaries of state, see 39 & 40 Vict. c. 79, s. 15, *ante*.

Further as to this section, see 39 & 40 Vict. c. 79, ss. 16, 17.

For the provisions of the Public Works Loans Act, see 38 & 39 Vict. c. 89.

Power of guardians to contribute to maintenance of child in industrial school.

4. Where a child is ordered upon complaint made by a school attendance committee to be sent to a certified industrial school, the council, guardians, or sanitary authority appointing such committee shall have, on the recommendation of the committee, the same power of contributing toward the maintenance of such child in the said school as if they were a school board, and the contribution by such guardians shall require the like consent as is required under section thirty-one of the Elementary Education Act, 1876, to any other expense incurred by a school attendance committee.

For the provisions under which children may be sent to certified industrial schools, see 39 & 40 Vict. c. 79, s. 12, *ante*.

For the powers of guardians to contribute towards the maintenance of children in industrial schools, see 39 & 40 Vict. c. 79, s. 16, *ante*.

For the consent necessary under this section, see 39 & 40 Vict. c. 79, s. 31, *ante*.

The expenses of any such contribution shall be paid in like manner as the expenses of the school attendance committee, on whose recommendation the contribution is made, are paid in pursuance of the Elementary Education Act, 1876.

For the provisions as to the expenses of school attendance committees, see 39 & 40 Vict. c. 79, ss. 31-36, *ante*.

THE ELEMENTARY EDUCATION ACT, 1880.

43 & 44 VICT. CAP. 23.

An Act to make further provision as to byelaws respecting the attendance of children at school under the Elementary Education Act. [26th August, 1880.]

WHEREAS a school attendance committee within the meaning of the Elementary Education Act, 1876, are authorised to make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such school attendance committee were a school board, but a school attendance committee for a union cannot make byelaws respecting any parish in their union, except on the requisition of the parish; and it is expedient to make further provision for the making of byelaws respecting the attendance of children at school:

And whereas it is expedient otherwise to amend the Elementary Education Act, 1876, in respect of byelaws:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. This Act may be cited as the Elementary Education Act, 1880, and shall be construed as one with the Elementary Education Act, 1876, and that Act and this Act may be cited together as the Elementary Education Acts, 1876 and 1880.

Obligation to make byelaws as to the attendance of children at school.

2. It shall be the duty of the local authority (within the meaning of the Elementary Education Act, 1876) of every school district in which byelaws respecting the attendance

of children at school under section seventy-four of the Elementary Education Act, 1870, are not at the passing of this Act in force, forthwith to make byelaws under that section for such district.

If at any time after the thirty-first day of December, one thousand eight hundred and eighty, it appears to the Education Department that in any school district there are no byelaws under that section in force, the education department may either proceed under section twenty-seven of the Elementary Education Act, 1876 (which relates to a local authority who fail to fulfil their duty under that Act), or may make byelaws respecting the attendance of children at school in that district, and the byelaws so made shall have effect and be enforced and be subject to revocation and alteration as if they had been made by the local authority for that district, and sanctioned by the education department in pursuance of section seventy-four of the Elementary Education Act, 1870: Provided that where in a school district in which byelaws are not in force a byelaw is made in pursuance of this section, that byelaw shall not prevent a child who, at the date of the byelaw taking effect, is employed in accordance with the Elementary Education Act, 1876, from continuing to be so employed.

The following are the local authorities within the meaning of the Elementary Education Act, 1876:—

- (1.) The school board, where a school district is within the jurisdiction of a school board.
- (2.) In every other school district, a school attendance committee appointed annually by the council of the borough, where the district is a borough; but where the district is a parish, by the guardians of the union comprising such parish. See also 39 & 40 Vict. c. 79, s. 33.

For the constitution of school attendance committees, see 39 & 40 Vict. c. 79, s. 7, *ante*.

As to school attendance committees and local committees, and their tenure of office, see rules in schedule 2 of the Act of 1876.

For the provisions relating to byelaws, see 33 & 34 Vict. c. 75, s. 74, *ante*, and see also the notes thereto.

The education department by their New Code of 1881, Art. 20, require 150 attendances in place of 250 for the purpose of obtaining grants to day schools in respect of scholars who, in any year since the Act of 1876 took effect, have obtained certificates of proficiency or previous due attendance at school, as fixed for that year by schedule 1 of that Act.

202 THE ELEMENTARY EDUCATION ACT, 1880.

As regards the religious instruction of children, see section 7 of 33 & 34 Vict. c. 75, and section 7 of 39 & 40 Vict. c. 79, *ante*, which renders it the duty of school boards and school attendance committees to report to the education department any infraction of the provisions of that section in any public elementary school within their district which may come to their knowledge,

For the powers of school boards to appoint officers to enforce byelaws with reference to the attendance of children at school, and to bring children, who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school, before two justices in order to their being so sent, see 33 & 34 Vict. c. 75, s. 36, *ante*.

For the powers of the education department to hold inquiries whether authorities have failed to fulfil their duty under this Act, see 39 & 40 Vict. c. 79, s. 27.

For the provisions as to the employment of children, see 39 & 40 Vict. c. 79, ss. 5, 9, and 47, *ante*.

For instructions of education department to school boards as to byelaws, and for forms of model byelaws, see Appendix, *post*, pp. 511, 512.

Power of school attendance committee to make byelaws.

3. The school attendance committee for a union comprising a parish may, in pursuance of section twenty-one of the Elementary Education Act, 1876, without the requisition of the parish, make byelaws under section seventy-four of the Elementary Education Act, 1870, respecting the attendance of children at school.

Section 21 of the Elementary Education Act, 1876, is partly repealed by section 6, *post*.

As to the appointment of the "school attendance committees," see 39 & 40 Vict. c. 79, ss. 7, 32 and 33.

For instructions as to and forms of model byelaws issued by the education department to school attendance committees for unions, see Appendix, *post*, pp. 517, 518.

Enforcing of byelaws.

4. Every person who takes into his employment a child of the age of ten and under the age of thirteen years resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly.

Proceedings may, in the discretion of the local authority or person instituting the same, be taken for punishing the contravention of a byelaw, notwithstanding that the act or neglect or default alleged as such contravention constitutes habitual neglect to provide efficient elementary education for a child within the meaning of section eleven of the Elementary Education Act, 1876: Provided that nothing in this section shall prevent an employer from employing any child who is employed by him or by any other person at the time of the passing of this Act, and who attends school in accordance with the provisions of the Factory and Workshop Act, 1878.

As to obtaining certificates see section 24, and sched. 1, rules 1 and 2, of the Elementary Education Act, 1870; see also section 74 as to a standard of education, *ante*, p. 78.

Section 6 of the Act of 1876 enacts that "Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings." See also 39 & 40 Vict. c. 79, s. 11.

See 36 & 37 Vict. c. 86, ss. 23 and 24, for the provisions as to legal proceedings.

Section 27 defines the term "the Summary Jurisdiction Acts" as the Act of 11 & 12 Vict. c. 43, inclusive of any Acts amending the same.

And section 37 of the Elementary Education Act, 1876, applies section 23 of the Act of 1878 to offences and penalties under that Act.

With regard to these clauses, see the Summary Jurisdiction Acts, by Mr. W. C. Glen, fourth edition.

Section 4 of the Act of 1880 obviates the difficulty which arose in *Ex parte The School Board of London, re Murphy*, see *ante*, pp. 80 and 153, and enables proceedings to be taken under byelaws, notwithstanding that the offence may be punishable under section 11 of the Act of 1876.

Before the passing of this Act, it was held that—1. The school board were not entitled to enforce their byelaws against children between the ages of ten and thirteen years, who, although not obeying such byelaws, are attending efficient elementary schools, pursuant to and otherwise fulfilling and observing the conditions of the Factory Acts. 2. The Elementary Education Acts do not control the provisions of the Factory Acts, regulating the education of children employed in accordance with those Acts. *Mellor v. Denham*, 40 L. T. (N. S.) 398; W. N., 1879, p. 70.

The education department by their New Code of 1881, Art. 20, require 150 attendances in place of 250 for the purpose of obtaining grants to day schools, in respect of scholars who are half-timers under the Factory and Workshop Act, 1878, who were so employed on the 26th of August, 1880.

204 THE ELEMENTARY EDUCATION ACT, 1880.

For the provisions of the Factory and Workshop Act, 1878, as to school attendance, see 41 Vict. c. 16, ss. 23 to 26, in the Appendix, *post*, pp. 206–208.

Amendment of 39 & 40 Vict. c. 79, s. 40, as to education being condition of relief to parents of children.

5. Notwithstanding anything contained in section forty of the Elementary Education Act, 1876, a child shall not, as a condition of the continuance of relief out of the workhouse being continued to him or his parent, be required to attend school further or otherwise than he is required to attend by a byelaw in force under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1876, and this Act, in the school district in which he is resident: Provided that this section shall not apply where there is no such byelaw in force in the school district.

See the notes to section 40 of the Act of 1876, *ante*. For the circulars of the local government board as to the education of outdoor pauper children, see the Appendix, pp. 356–362.

Repeal.

6. The Elementary Education Act, 1876, shall be repealed to the extent and from the times in the third column of the schedule to this Act mentioned, without prejudice to anything previously done or suffered, or any order previously made, or any right or title or liability acquired, accrued, or incurred in pursuance of any enactment hereby repealed; and any such thing, order, right, and title and liability may be enforced, and any proceeding then pending for such enforcement may be carried on, as if such enactment had not been repealed.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	<p>In section twenty-one, the words "may if they think fit," and the words "on the requisition of the parish, but not otherwise," as from the passing of this Act.</p> <p>Section twenty-two, as from the passing of this Act.</p> <p>Sections fifty-one and fifty-two, as from the passing of this Act.</p> <p>First Schedule, as from the first of January, one thousand eight hundred and eighty-one, from "during the four years next after" down to "higher standard required for that year," both inclusive (being paragraph (3)), and from "provided that in each of the four years next after" down to the end of the table, both inclusive (being paragraph 6).</p>

APPENDIX.

I.—EMPLOYMENT OF CHILDREN IN MANUFACTORIES.

41 VICT. CAP. 16.

*An Act to consolidate and amend the law relating to factories
and Workshops.*

[27th May, 1878.]

(5.) EDUCATION OF CHILDREN.

Attendance at school of children employed in a factory or workshop.

23. The parent of a child employed in a factory or in a workshop shall cause that child to attend some recognised efficient school (which school may be selected by such parent), as follows :

- (1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance ; and
- (2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances :
- (3.) An attendance for the purposes of this section shall be an attendance as defined for the time being by a secretary of state with the consent of the education department, and be between the hours of eight in the morning and six in the evening :

Provided that—

- (a.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed ; and

- (b.) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause ; and
- (c.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognized efficient school, shall for the purposes of this Act be deemed attendance at a recognized efficient school until such recognized efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the education department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The education department shall from time to time, by the publication of lists or by notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognized efficient schools.

Obtaining of school attendance certificate by occupier of factory or workshop.

24. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognized efficient school attended by the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

*Payment by occupier on application of sum for schooling of child,
and deduction of it from wages.*

25. The board authority or persons who manage a recognized efficient school attended by a child employed in a factory or workshop, or some person authorized by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

*Employment as young person of child of 13 on obtaining an
educational certificate.*

26. When a child of the age of thirteen years has obtained from a person authorized by the education department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school, as hereinafter mentioned, that child shall be deemed to be a young person for the purposes of this Act.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a secretary of state, with the consent of the education department, and the standard so fixed shall be published in the *London Gazette*, and shall not have effect until the expiration of at least six months after such publication.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

Registers to be kept in a factory or workshop.

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a secretary of state so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Fine for employing children, young persons, and women contrary to the Act.

83. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed; and where a child, young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.

84. The parent of a child or young person shall,—

- (1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and
- (2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence.

Forgery of certificates, false entries, and declarations.

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

Definition of "certified efficient school."—Definition of "recognized efficient school."

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the local government board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the education department, and is certified by the education department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the education department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the education department every school so recognized by him.

EMPLOYMENT OF CHILDREN IN COAL MINES.

35 & 36 VICT. CAP. 76.

Section 3 applies the Act to mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay.

Sections 4 to 7 and section 12 contain regulations as to the ages for, and the times of, the employment of boys, women, and girls in connection with mines.

"Sec. 8. The following regulations shall have effect with respect to boys of the age of ten and under the age of twelve years employed in any mine to which this Act applies below ground.

"(1.) Every such boy shall attend school for at least twenty hours in every two weeks during which he is so employed:

"(2.) In computing for the purpose of this Act the time during which a boy has attended school, there shall not be included any time during which such boy has attended either

"(a.) in excess of three hours at any one time, or in excess of five hours on any one day, or in excess of twelve hours in any one week; or

"(b.) on Sundays; or

"(c.) before eight o'clock in the morning or after six o'clock in the evening:

"Provided that the non-attendance of any boy at school shall be excused—

"(1.) For any time during which he is certified by the principal teacher of the school to have been prevented from attendance by sickness or other unavoidable cause:

"(2.) For any time during which the school is closed for the customary holidays, or for some other temporary cause: and

"(3.) For any time during which there is no school which the boy can attend within two miles (measured according to the nearest road) from the residence of such boy or the mine in which he works.

"The immediate employer of a boy in every mine to which this Act applies, who has employed such boy for any time amounting in the whole to not less than fourteen days, shall on Monday in every week during the employment of such boy obtain from the principal teacher of some school a certificate that the boy so employed has in manner required by this Act attended school during

the preceding week, if attendance at school was so required during that week.

"The certificate may be in such form as a secretary of state may from time to time prescribe.

"The immediate employer, where he is not the owner, agent, or manager of the mine, shall deliver such certificate to the owner, agent, or manager of the mine, and the owner, agent, or manager shall obtain the delivery of such certificate, and shall keep any certificate obtained or delivered in pursuance of this section for six months in the office at the mine, and shall produce the same to any inspector under this Act at all reasonable times when required by him during that period, and allow him to inspect and copy the same.

"Every person who forges or counterfeits any certificate required by this section, or gives or signs any such certificate falsely, or wilfully makes use of any forged, counterfeit, or false certificate, shall be liable on conviction to imprisonment for a period not exceeding three months, with or without hard labour.

"Sec. 9. The principal teacher of a school which is attended by any boy employed in a mine to which this Act applies may apply in writing to the person who pays the wages of such boy to pay such sum as hereinafter mentioned on account of any boy in respect of whom he may have duly granted a certificate in pursuance of this Act, and after the date of such application, such person, so long as he employs the boy, shall pay to the principal teacher of the said school, for every week that the boy attends that school, the weekly sum specified in the application, not exceeding twopence per week, and not exceeding one-twelfth part of the wages of the boy, and may deduct the sum so paid by him from the wages payable for the services of such boy.

"Any person who after such application refuses to pay on demand any sum that may become due as aforesaid shall be liable to a penalty not exceeding ten shillings.

"Sec. 10. If an inspector under this Act is satisfied by inspection of a school or otherwise that the principal teacher of a school who grants certificates of school attendance required under this Act ought to be disqualified for granting such certificates for any of the following reasons: namely,

"(1.) Because he is unfit to instruct children by reason either of his ignorance or neglect, or of his not having the necessary books and materials:

"(2.) Because of his immoral conduct: or

"(3.) Because of his continued neglect to fill up proper certificates of school attendance:

in any such case he may serve on the teacher a written notice stating the reason for such disqualification. At the expiration of

two weeks from the date of such notice the teacher shall, subject to the appeal hereinafter mentioned, be disqualified for granting certificates.

"The inspector shall, so far as he can, serve on every employer of a child who obtains certificates from such teacher a notice to the like effect as the notice served on the teacher, and also specifying a school which the child employed by such employer can attend within two miles (measured according to the nearest road) from the place of employment or the residence of the child.

"Any teacher who is disqualified as aforesaid, and any employer who obtains certificates from him, may, within three weeks after the service of the notice on the teacher, appeal therefrom to the education department, who may confirm or reverse such disqualification.

"After a teacher is disqualified for granting certificates, no certificate given by him shall be deemed to be a certificate in compliance with this Act, unless in the case of there being no other school which the child employed in a mine can attend within two miles (measured according to the nearest road) from the mine or the residence of such child, or unless with the written consent of an inspector under this Act.

"The inspectors under this Act shall in their reports to a secretary of state report the name of every teacher disqualified under this section during the preceding twelve months, the name of the school at which he taught, and such last-mentioned report shall be communicated to the committee of council on education.

"Sec. 11. The following regulation shall apply to every boy of ten and under twelve years of age, employed below ground in any mine to which this Act applies :

"The parent, guardian, or person having the custody of or control over any such boy shall cause him to attend school in accordance with the regulations of this Act :

"Every such parent, guardian, or person who wilfully fails to act in conformity with this section shall be liable to a penalty of not more than twenty shillings for each offence.

"Sec. 12. With respect to children employed above ground, in connection with any mine to which this Act applies, the following provisions shall have effect :

"(2.) The regulations of this Act with respect to boys of ten and under twelve years of age shall apply to every child so employed."

II.—SCHOOL SITES ACTS (a).

4 & 5 VICT. CAP. 38.

An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools.

[21st June, 1841.]

Landlords empowered to convey land to be used as sites for schools, &c.

2. And be it enacted, that any person being seised in fee simple, fee tail, or for life, of and in any manor or lands of freehold, copyhold, or customary tenure, and having the beneficial interest therein, or in Scotland being the proprietor in fee simple or under entail, and in possession for the time being, may grant, convey, or enfranchise by way of gift, sale, or exchange, in fee simple or for a term of years, any quantity not exceeding one acre of such land, as a site for a school for the education of poor persons, or for the residence of the schoolmaster or schoolmistress, or otherwise for the purposes of the education of such poor persons in religious and useful knowledge; provided that no such grant made by any person seised only for life of and in any such manor or lands shall be valid, unless the person next entitled to the same in remainder in fee simple or fee tail (if legally competent) shall be a party to and join in such grant: Provided also, that where any portion of waste or commonable land shall be gratuitously conveyed by any lord or lady of a manor for any such purposes as aforesaid the rights and interests of all persons in the said land shall be barred and divested by such conveyance: Provided also, that upon the said land so granted as aforesaid, or any part thereof, ceasing to be used for the purposes in this Act mentioned, the same shall thereupon immediately revert to and become a portion of the said estate held in fee simple or otherwise, or of any manor or land as aforesaid, as fully to all intents and purposes as if this Act had not been passed, anything herein contained to the contrary notwithstanding.

(a) See section 20, *ante*, p. 19.

Chancellor and council of the Duchy of Lancaster empowered to grant lands to the trustees of any existing or intended school.—If lands cease to be used for the purposes of the Act they shall revert.

3. And whereas it may be expedient and proper that the chancellor and council of Her Majesty's Duchy of Lancaster, on Her Majesty's behalf, shall be authorized to grant, convey, or enfranchise, to or in favour of the trustee or trustees of any existing or intended school, lands and hereditaments belonging to Her Majesty in right of Her said duchy, for the purposes of this Act: Be it therefore enacted, that it shall and may be lawful for the chancellor and council of Her Majesty's Duchy of Lancaster for the time being, by any deed or writing under the hand and seal of the chancellor of the said duchy for the time being, attested by the clerk of the council of the said duchy for the time being, for and in the name of Her Majesty, Her heirs and successors, to grant, convey, or enfranchise, to or in favour of such trustee or trustees, any lands and hereditaments to be used by them for the purposes of this Act, upon such terms and conditions as to the said chancellor and council shall seem meet; and where any sum or sums of money shall be paid as for the purchase or consideration for such lands or hereditaments so to be granted, conveyed, or enfranchised as aforesaid, the same shall be paid by such trustee or trustees into the hands of the receiver-general for the time being of the said duchy, or his deputy, and shall be by him paid, applied, and disposed of according to the provisions and regulations contained in an Act passed in the forty-eighth year of the reign of His late Majesty King George the Third, intituled "An Act to improve the land revenue of the crown in England, and also of His Majesty's Duchy of Lancaster," or any other Act or Acts now in force for that purpose: Provided always, that upon the said land so granted as aforesaid, or any part thereof, ceasing to be used for the purposes in this Act mentioned, the same shall thereupon immediately revert to and become again a portion of the possessions of the said duchy, as fully to all intents and purposes as if this Act or any such grant as aforesaid had not been passed or made, anything herein contained to the contrary notwithstanding.

Persons under disability empowered to convey lands for the purposes of this Act.

5. And be it enacted, that where any person shall be equitably entitled to any manor or land, but the legal estate therein shall be in some trustee or trustees it shall be sufficient for such person to convey the same for the purposes of this Act without the trustee

or trustees being party to the conveyance thereof; and where any married woman shall be seised or possessed of or entitled to any estate or interest, manorial or otherwise, in land proposed to be conveyed for the purposes of this Act, she and her husband may convey the same for such purposes by deed, without any acknowledgment thereof; and where it is deemed expedient to purchase any land for the purposes aforesaid belonging to or vested in any infant or lunatic, such land may be conveyed by the guardian or committee of such infant, or the committee of such lunatic respectively, who may receive the purchase money for the same, and give valid and sufficient discharges to the party paying such purchase money, who shall not be required to see to the application thereof.

Corporations, justices, trustees, &c., empowered to convey lands for the purposes of this Act.

6. And be it enacted, that it shall be lawful for any corporation, ecclesiastical or lay, whether sole or aggregate, and for any officers, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, parochial, charitable, or other purposes or objects, subject to the provisions next hereinafter mentioned, to grant, convey, or enfranchise, for the purposes of this Act, such quantity of land as aforesaid in any manner vested in such corporation, officers, justices, trustees, or commissioners: provided always, that no ecclesiastical corporation sole, being below the dignity of a bishop, shall be authorized to make such grant without the consent in writing of the bishop of the diocese to whose jurisdiction the said ecclesiastical corporation is subject: provided also, that no parochial property shall be granted for such purposes without the consent of a majority of the ratepayers and owners of property in the parish to which the same belongs, assembled at a meeting to be convened according to the mode pointed out in the Act passed in the sixth year of the reign of His late Majesty, intituled "An Act to facilitate the Conveyance of Workhouses, and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales," and without the consent of the poor law commissioners, to be testified by their seal being affixed to the deed of conveyance, and of the guardians of the poor of the union within which the said parish may be comprised, or of the guardians of the poor of the said parish where the administration of the relief of the poor therein shall be subject to a board of guardians, testified by such guardians being the parties to convey the same: provided also, that where any officers, trustees, or commissioners, other than parochial trustees, shall make any such grant, it shall be sufficient if a majority or quorum

authorized to act, of such officers, trustees, or commissioners, assembled at a meeting duly convened, shall assent to such grant, and shall execute the deed of conveyance, although they shall not constitute a majority of the actual body of such officers, trustees, or commissioners: provided also, that the justices of the peace may give their consent to the making any grant of land or premises belonging to any county, riding, or division by vote at their general quarter sessions, and may direct the same to be made in the manner directed to be pursued on the sale of the sites of gaols by an Act passed in the seventh year of the reign of His late Majesty George the Fourth, intituled "An Act to authorize the Disposal of unnecessary Prisons in England."

Grants of land may be made to corporations or trustees, to be held by them for school purposes.

7. And be it enacted, that all grants of lands or buildings, or any interest therein, for the purposes of the education of poor persons, whether taking effect under the authority of this Act or any other authority of law, may be made to any corporation sole or aggregate, or to several corporations sole, or to any trustees whatsoever, to be held by such corporation or corporations or trustees for the purposes aforesaid: provided nevertheless, that any such grant may be made to the minister of any parish being a corporation, and the churchwardens or chapelwardens and overseers of the poor, or to the minister and kirk session of the said parish and their successors; and in such case the land or buildings so granted shall be vested for ever thereafter in the minister, churchwardens, or chapelwardens, and overseers of the poor, for the time being, or the minister and kirk session of such parish, but the management, direction, and inspection of the school shall be and remain according to the provisions contained in the deed of conveyance thereof; provided also, that where any ecclesiastical corporation sole below the dignity of a bishop shall grant any land to trustees other than the minister churchwardens or chapelwardens, and overseers, for the purposes aforesaid, such trustees shall be nominated in writing by the bishop of the diocese to whose jurisdiction such corporation shall be subject; provided that where any school shall be intended for any ecclesiastical district, not being a parish as hereinafter defined, it shall be sufficient if the grant be made to the minister and church or chapelwarden or wardens of the church or chapel of such district, to hold to them and their successors in office; and such grant shall enure to vest the land, subject to the conditions contained in the deed of conveyance, in such minister and the church or chapelwarden or wardens for the time being.

Estates now vested in trustees for the purposes of education may be conveyed to the minister and churchwardens.

8. And whereas schools for the education of the poor in the principles of the Established Church, or in religious and useful knowledge, and residences for the masters or mistresses of such schools, have been heretofore erected, and are vested in trustees not having a corporate character : Be it therefore enacted, that it shall be lawful for the trustees for the time being of such last-mentioned schools and residences, not being subject to the provisions of the Act passed in the last session of parliament, intituled "An Act for improving the Conditions and extending the Benefits of Grammar Schools," to convey or assign the same, and all their estate and interest therein, to such ministers and churchwardens and overseers of the poor of the parish within which the same are respectively situate, and their successors as aforesaid, or, being situate within an ecclesiastical district not being a parish as hereinafter defined, then to the minister and church or chapelwardens of the church or chapel of such district, and their successors, in whom the same shall thereafter remain vested accordingly, but subject to and under the existing trusts and provisions respectively affecting the same (a).

Any number of sites may be granted for separate schools.

9. And be it enacted, that any person or persons or corporation may grant any number of sites for distinct and separate schools, and residence for the master or mistress thereof, although the aggregate quantity of land thereby granted by such person or persons or corporation shall exceed the extent of one acre ; provided that the site of each school and residence do not exceed that extent ; provided also, that not more than one such site shall be in the same parish (b).

Form of grants, &c.

10. And be it enacted, that all grants, conveyances, and assurances of any site for a school, or the residence of a schoolmaster or schoolmistress, under the provisions of this Act, in respect of any land, messuages, or buildings, may be made according to the form following, or as near thereto as the circumstances of the case will admit ; (that is to say,)

(a) See 7 & 8 Vict. c. 37, ss. 4, 5, *post*.

(b) See 12 & 13 Vict. c. 49, s. 3, *post*, and 14 & 15 Vict. c. 24, s. 1, *post*.

"I [or we, or the corporate title of a corporation], under the authority of an Act passed in the year of the reign of Her Majesty Queen Victoria, intituled 'An Act for affording further Facilities for the conveyance and Endowment of Sites for Schools,' do hereby freely and voluntarily, and without any valuable consideration [or do, in consideration of the sum of , to me or us or the said paid], grant [alienate], and convey to , all [description of the premises], and all [my or our or the right, title, and interest of the] to and in the same and every part thereof, to hold unto and to the use of the said , and his or their [heirs or executors or administrators or successors], for the purposes of the said Act, and to be applied as a site for a school for poor persons of and in the parish of , and for the residence of the schoolmaster [or schoolmistress] of the said school [or for other purposes of the said school], and for no other purpose whatever ; such school to be under the management and control of [set forth the mode in which and the persons by whom the school is to be managed, directed, and inspected. In case the school be conveyed to trustees, a clause providing for the renewal of the trustees, and in cases where the land is purchased, exchanged, or demise, usual covenants or obligations for title, may be added]. In witness whereof the conveying and other parties have hereunto set their hands and seals, this day of ."

"Signed, sealed, and delivered by the said , in the presence of , of ."

And no bargain and sale or livery of seisin shall be requisite in any conveyance intended to take effect under the provisions of this Act, nor more than one witness to the execution by each party ; and instead of such attestation such conveyance of any lands or heritages in Scotland shall be executed with a testing clause, according to the law and practice of Scotland ; and, being recorded within sixty days of the date thereof in the general register of seisins or particular register for the county or stewartry in which the lands or heritages lie, shall, without actual seisin, be valid and effectual in law to all intents and purposes, and shall be a complete bar to all other rights, titles, trusts, interests, and incumbrances to, in, or upon the lands or heritages so conveyed.

Application of purchase money for land sold by any ecclesiastical corporation sole.

11. And be it enacted, that where any land shall be sold by any ecclesiastical corporation sole for the purposes of this Act, and the purchase-money to be paid shall not exceed the sum of twenty pounds, the same may be retained by the party conveying for

his own benefit ; but when it shall exceed the sum of twenty pounds it shall be applied for the benefit of the said corporation, in such manner as the bishop in whose diocese such land shall be situated shall, by writing under his hand, to be registered in the registry of his diocese, direct and appoint ; but no person purchasing such land for the purpose aforesaid shall be required to see to the due application of any such purchase-money.

Application of purchase money for land sold in Scotland.

12. And be it enacted, that the price of any lands or heritages to be sold for the purposes of this Act by any heir of entail or other incapacitated person or persons in Scotland shall be applied and invested in such and the like manner as is directed in relation to any money awarded to be paid for lands or heritages belonging to heirs of entail or incapacitated persons under an Act passed in the first and second years of the reign of His late Majesty King William the Fourth, intituled "An Act for amending and making more effectual the Laws concerning Turnpike Roads in Scotland." (1 & 2 Will. 4, c. 43.)

Ecclesiastical corporations to procure a certificate as to the extent of the land conveyed.

13. And be it enacted, that when any ecclesiastical corporation sole below the dignity of a bishop shall grant any land belonging to him in right of his corporation for the purposes of this Act, he shall procure a certificate, under the hands of three beneficed clergymen of the diocese within which the land to be conveyed shall be situate, as to the extent of the land so conveyed, to be endorsed on the said deed ; which certificate shall be in the form following ; (that is to say,)

Form of certificate.

"WE, A. B., clerk, rector of the parish of _____, C. D., clerk, rector of the parish of _____, and E. F., clerk, vicar of the parish of _____, being three beneficed clergymen of the diocese of _____, do hereby certify, that _____ clerk, rector of the parish of _____, within the said diocese of _____, being about to convey a portion of land situate in the said parish of _____, for the purposes of a school, under the powers of the Act passed in the _____ year of the reign of Her Majesty Queen Victoria, intituled 'An Act for affording further Facilities for the Conveyance and Endowment of Sites for Schools,' we have at his request inspected and examined the portion of land, and have

ascertained that the same is situate at [*here describe the situation*], and that the extent thereof does not exceed acres. As witness our hands this day of , at , in the county of and diocese of . Witness of .”
 And until such certificate shall have been signed no such conveyance shall have any force or validity.

Trustees empowered to sell or exchange lands or buildings.

14. And be it enacted, that when any land or building shall have been or shall be given or acquired under the provisions of the said first-recited Act or this Act, or shall be held in trust for the purposes aforesaid, and it shall be deemed advisable to sell or exchange the same for any other more convenient or eligible site, it shall be lawful for the trustees in whom the legal estate in the said land or building shall be vested, by the direction or with the consent of the managers and directors of the said school, if any such there be, to sell or exchange the said land or building, or part thereof, for other land or building suitable to the purposes of their trust, and to receive on any exchange any sum of money by way of effecting an equality of exchange, and to apply the money arising from such sale or given on such exchange in the purchase of another site, or the improvement of other premises used or to be used for the purposes of such trust, provided that where the land shall have been given by any ecclesiastical corporation sole the consent of the bishop of the diocese shall be required to be given to such sale or exchange before the same shall take place: Provided also, that where a portion of any parliamentary grant shall have been or shall be applied towards the erection of any school, no sale or exchange thereof shall take place without the consent of the secretary of state for the home department for the time being.

All conveyances of land under 6 & 7 Will. 4, c. 70, to be deemed effectual for vesting the fee simple.

15. And whereas in many cases conveyances of land have been made, purporting to be made in pursuance of the powers of the said first-recited Act, to the minister or incumbent and the churchwardens or chapelwardens of certain parishes or places, as and for sites of schools or houses of residence for the schoolmasters; and doubts have been entertained whether such conveyances are valid and effectual for the purposes of conveying the fee simple, in consequence of the said statute not containing any words of limitation to the successors of such persons: Be it therefore enacted,

that all conveyances whereby any land shall have been conveyed to the minister or incumbent and the churchwardens or chapelwardens of any parish or place for the time being, whether made to them as such minister or incumbent and churchwardens or chapelwardens, or to them and their successors, shall be deemed and taken to have been and shall be valid and effectual for the purpose of vesting the fee simple, or such other estate as hath been proposed to be conveyed, in the persons who from time to time shall be the minister or incumbent and the churchwardens or chapelwardens of such place, such minister being the rector, vicar, or perpetual curate, whether endowed or not, of the said parish or place.

No schoolmaster to acquire a life interest by virtue of his appointment.

17. And be it enacted, that no schoolmaster or schoolmistress to be appointed to any school erected upon land conveyed under the powers of this Act shall be deemed to have acquired an interest for life by virtue of such appointment, but shall, in default of any specific engagement, hold his office at the discretion of the trustees of the said school.

Justices of the peace or sheriffs to give possession of school-rooms, &c., in case of the refusal of the master.

18 And for the more speedy and effectual recovery of the possession of any premises belonging to any school which the master or mistress who shall have been dismissed, or any person who shall have ceased to be master or mistress, shall hold over after his or her dismissal or ceasing to be master or mistress, be it enacted, that when any master or mistress, not being the master or mistress of any grammar school within the provision of the Act of the last session of parliament hereinafter mentioned, holding any schoolroom, schoolhouse, or any other house, land, or tenement, by virtue of his or her office, shall have been dismissed or removed, or shall have ceased to be master or mistress, and shall neglect or refuse to quit and deliver up possession of the premises within the space of three calendar months after such dismissal or ceasing to be master or mistress, not having any lawful authority for retaining such possession, it shall be lawful for the justices of the peace acting for the district or division in which such premises are situated, in petty sessions assembled, or any two of them, or for the sheriff of the county in Scotland, and they are hereby required, on the complaint of the trustees or managers of the said school, or some one of them, on proof of such master or mistress having been dismissed or removed, or having ceased to be such

master or mistress, to issue a warrant under their hands and seals, or under the hand of such sheriff in Scotland, to some one or more of the constables and peace officers of the said district or division, or of the sheriff's officers in Scotland, commanding him or them, within a period to be therein named, not less than ten nor more than twenty-one clear days from the date of such warrant, to enter into the premises, and give possession of the same to the said trustees or managers or their agents, such entry and possession being given in England in such manner as justices of the peace are empowered to give possession of any premises to any landlord or his agent under an Act passed in the second year of the reign of Her present Majesty, intituled "An Act to facilitate the Recovery of Possession of Tenements after due Determination of the Tenancy." (1 & 2 Vict. c. 74.)

Powers granted to the commissioners under 3 & 4 Vict. c. 60, for applying land to ecclesiastical purposes extended to land granted by way of gift.

19. And whereas by an Act passed in the last session of parliament, intituled "An Act to further amend the Church Building Acts," provision was made to enable Her Majesty's commissioners for building new churches to apply land in any parish granted to them for any of the purposes of the Church Building Acts to any other ecclesiastical purposes, or for the purpose of any parochial or charitable school, or any other charitable or public purpose relating to any such parish or place: And whereas through an accidental omission such provision does not extend to cases of land granted by way of gift: Be it therefore enacted, that such power so given to the said commissioners, so far as it is applicable to the purposes of any school, shall extend to every case of land granted, given, or conveyed to them under the authority of the several Acts in the said Act recited.

Definition of the term "parish."

20. And be it enacted, that the term "parish" in this Act shall be taken to signify every place separately maintaining its own poor, and having its own overseers of the poor and church or chapelwardens.

Act not to extend to Ireland.

21. And be it enacted, that this Act shall not extend to Ireland.

Act not to affect 3 & 4 Vict. c. 48.

22. And be it enacted, that nothing herein contained shall repeal or affect . . . another Act passed in the last session of parliament, intituled "An Act to enable Proprietors of entailed

Estates in Scotland to feu or lease on long Leases portions of the same for the building of Churches and Schools, and for Dwelling-Houses and Gardens for the Ministers and Masters thereof."

7 & 8 VICT. CAP. 37.

An Act to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools.

[19th July, 1844.]

The terms and conditions upon which parliamentary aid has been given towards the building of schools secured upon the site.

WHEREAS during several years last past divers sums of money have been granted by parliament to Her Majesty, to be applied for the purpose of promoting the education of the poor in Great Britain, and similar grants may hereafter be made : And whereas Her Majesty hath appointed a committee of Her council to receive applications for assistance from such grants, and to report thereon, and to advise Her as to the terms and conditions upon which such assistance shall be granted, and many such reports have been made and approved of by Her Majesty, and the terms and conditions having been assented to by the applicants, grants have been made out of the said fund : And whereas in some cases, by reason of the deeds of endowment of schools in respect of which such applications have been received having been executed before the grant has been made, such terms and conditions have not and cannot be made permanently binding on the estate ; but the parties promoting the said schools have entered into personal obligations or assurances for the due performance of such terms and conditions, though deriving no beneficial interest from the charitable institution which they have established ; and it is desirable to provide permanent security to Her Majesty and her successors for the due fulfilment of the terms and conditions, and to relieve the parties from the personal liabilities so entered into for the purpose aforesaid : Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that where any grant hath been made or shall hereafter be made out of any sums of money heretofore granted or hereafter to be granted by parliament for the

purposes of education in Great Britain, under the advice of any committee of the council on education for the time being, upon terms and conditions to provide for the inspection of the school by an inspector appointed or to be appointed by Her Majesty and her successors, which shall not be inserted in the conveyance of the site of the school, or in the deed declaring the trusts thereof, and such grant shall be made in aid of the purchase of the site, or of the erection, enlargement, or repair of the school, or of the residence of the master or mistress thereof, or of the furnishing of the school, such terms and conditions shall be binding and obligatory upon the trustees or managers of the said school or other the premises for the time being, in like manner and to the like effect as though they had been inserted in the conveyance of the site of the said school, or in the declaration of the trusts thereof; and henceforth all personal obligations entered into for the purpose of securing the fulfilment of such terms and conditions shall, so far as they relate thereto, but no further, be null and void: Provided nevertheless, that such terms and conditions shall have been or shall be set forth in some document in writing, signed by the trustees of the said school or the major part of them, or by the party or parties conveying the site, in the case where there shall have been a voluntary gift thereof.

The terms upon which aid shall be granted to trustees of ancient endowed schools.

2. And whereas there are many endowments for the purpose of education of the poor in Great Britain of ancient date, the schools whereon have become dilapidated, and, the funds of such endowment being insufficient for the restoration thereof, application is made by the trustees, or by the persons acting in the discharge of the trusts thereof, for aid out of the said parliamentary grant, but the same hath been declined, because such applicants could not impose upon their lawful successors in the said trust the conditions which the said committee would have advised Her Majesty to require to secure the due inspection of such schools, and it is expedient to enable them to do so: Be it therefore enacted, that where the major part or the trustees of any endowed school for the education of the poor duly appointed under the terms of the deed of endowment, or, when such deed cannot be found or cannot be acted upon, of the persons who shall be in the possession of the endowment, and shall be acting in the execution of the trusts or the reputed trusts thereof, shall, and in cases where there shall be a visitor of such school with the consent of such visitor in writing, apply for aid out of such parliamentary grant to enable them to rebuild, repair, or enlarge the school belonging to such endow-

ment, or the residence of the master or mistress thereof, or to furnish such school, and shall in writing assent to the said school being open to inspection on behalf of Her Majesty and Her successors, if the said committee shall deem fit to advise that any such grant shall be made, it shall immediately after the making of such grant, and thenceforth from time to time, be lawful for any inspector of schools appointed by Her Majesty and her successors, in conformity with the terms contained in the writing testifying such consent as aforesaid, to enter the said school at all reasonable hours in the day for the purpose of inspecting and examining the state and condition of the school and scholars thereat, and of making such report thereon, as he shall deem fit.

Death of donor within twelve months not to avoid grant.
(9 Geo. 2, c. 36.)

3. And whereas by an Act passed in the fifth year of the reign of Her present Majesty intituled "An Act to afford further Facilities for the Conveyance and Endowment of Sites for Schools," it is enacted that any person, being seised in fee simple, fee tail, or for life of and in any manor, or lands of freehold, copyhold, or customary tenure, may grant, convey, or enfranchise, and subject to the provisions therein mentioned, any quantity not exceeding one acre of land as a site for a school or otherwise, as therein likewise specified; and it is desirable to prevent any such grant, being of so limited an interest, from being defeated by the death of the grantor: Be it enacted, that where any deed shall have been or shall be executed under the powers and for the purposes contained in the said Act, without any valuable consideration, the same shall be and continue valid, if otherwise lawful, although the donor or grantor shall die within twelve calendar months from the execution thereof.

Site may be granted to the minister and churchwardens.

4. And whereas it was provided by the said Act that grants of land or buildings, or any interest therein, for the purposes of the education of poor persons, might be made to the minister of any parish, being a corporation, and the churchwardens or chapelwardens and overseers of the poor and their successors, and it is sometimes found inexpedient or impracticable to introduce the overseers as parties to the legal estate: Be it therefore enacted, that such grants may be made to the minister and churchwardens of any parish, such minister being the rector, vicar, or perpetual curate thereof, whether endowed or not, to hold to them and their successors, subject to the provisions contained in the deed of con-

veyance thereof for the management, direction, and inspection of the school and premises.

Rector, vicar, or perpetual curate may grant land to the minister and churchwardens, or to the minister, churchwardens, and overseers of his parish.

5. And be it enacted, that if the rector, vicar, or perpetual curate of any parish shall be desirous of making a grant of any land for the purposes and under the powers of the said Act, being part of the glebe or other possessions of his benefice, and shall, with the consent of the patron of the said benefice, and of the bishop of the diocese within which the same shall be situated, grant the same to the minister and church or chapelwardens, or to the minister, church or chapelwardens, and overseers of the poor of the said parish, such grant shall be valid, and shall thenceforth enure for the purposes of the trust set forth therein, if otherwise lawful, notwithstanding such minister is the party making the grant.

12 & 13 VICT. CAP. 49.

An Act to extend and explain the Provisions of the Acts for the granting of Sites for Schools.

[28th July, 1849.]

Where part only of lands under lease conveyed, the rent and fine upon renewal of lease may be apportioned.

WHEREAS by an Act passed in the fifth year of the reign of Her Majesty provisions are made for facilitating the erection of schools and buildings for the education of poor persons, which said Act hath been since explained and extended by an Act of the eighth year of the reign of Her Majesty ; and it is expedient that further facilities should be afforded for the conveyance of lands for sites for schools in cases where such lands are comprised with other lands in leases, and that some amendments should also be made in the said Acts : Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that if part only of any lands comprised in a lease for a term of years unexpired shall be conveyed or agreed to be conveyed for the purposes of the said firstly hereinbefore mentioned Act, the rent payable in respect of

the lands comprised in such lease, and any fine certain or fixed sum of money to be paid upon any renewals thereof, or either of such payments, may be apportioned between the part of the said lands so conveyed or agreed to be conveyed and the residue thereof; and such apportionment may be settled by agreement between the parties following, that is to say, the lessor or other the owner subject to such lease of the lands comprised therein, the lessee or other the party entitled thereto by virtue of such lease or any assignment thereof for the residue of the term thereby created, and the party to whom such conveyance as aforesaid for the purposes of the said firstly hereinbefore mentioned Act is made or agreed to be made; and when such apportionment shall so be made it shall be binding on all under-lessees and other persons and corporations whatsoever, whether parties to the said agreement or not.

Liabilities of tenants, and remedies of landlords, as to the lands not conveyed.

2. And be it enacted, that in case of any such apportionment as aforesaid, and after the lands so conveyed or agreed to be conveyed as aforesaid shall have been conveyed, the lessee, and all parties entitled under him to the lands comprised in the lease not included in such conveyance, shall as to all future accruing rent, and of all future fines certain or fixed sums of money, to be paid upon renewals, be liable only to so much of the rent and of such fines or sums of money as shall be apportioned in respect of such last-mentioned lands; and the party entitled to the rent reserved by the lease shall have all the same rights and remedies for the recovery of such portion of the rent as last aforesaid as previously to such apportionment he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, and of fines or sums of money to be paid upon renewals, in case of any apportionment of the same respectively, shall remain in force with regard to that part of the land comprised in the lease which shall not be so conveyed as aforesaid, in the same manner as they would have done in case such part only of the land had been included in the lease.

The same person may grant several sites for schools in the same parish if the whole extent do not exceed certain limits. (4 & 5 Vict. c. 38, s. 9.)

3. And whereas by the said first-recited Act power is given to any person or corporation to grant any number of sites for distinct and separate schools; but after providing that the site of each

school and residence do not exceed one acre, it is also provided that not more than one such site shall be in the same parish ; and doubts have been entertained as to the meaning of this last-recited proviso : Be it therefore declared and enacted, that nothing in the said Act contained shall prevent any person or corporation from granting any number of sites for separate and distinct schools in the same parish, provided the aggregate quantity of land granted by such person in the same parish shall not exceed the extent of one acre (a).

Grants of land for sites of schools by owners or tenants in tail to be valid, although grantor die within twelve months.

4. And whereas it would be expedient that the absolute owners of land and tenants in tail in possession should have the power of granting land to a limited extent for the purpose of erecting sites for schools to be applied and used in and for the education and instruction of persons intended to be masters or mistresses of elementary schools for poor persons, without any risk of such grant being defeated by the death of the grantor : Be it therefore enacted, that it shall be lawful for all persons, being such absolute owners or tenants in tail in possession as aforesaid, to grant, convey, or enfranchise, by way of gift, sale, or exchange, any quantity of land, not exceeding in the whole five acres, to any corporation sole or aggregate, or to several corporations sole, or to any trustees whatsoever, to be held, applied, and used by such corporation or corporations or trustees in and for the erection of school buildings and premises thereon for the purpose of educating and instructing, and of boarding during the time of such education and instruction, persons intended to be masters or mistresses of elementary schools for poor persons, and for the residence of the principal or master or mistress and other officers of such institution ; and such gift, sale, or exchange shall be and continue valid, if otherwise lawful, although the donor or grantor shall die within twelve calendar months from the execution thereof : Provided always, that it shall be lawful for the trustees of such school buildings and premises to allow the same to be applied and used, concurrently with the education and instruction of such masters or mistresses, for the purpose of boarding other persons, and of educating and instructing the said persons in religious and useful knowledge.

(a) Sec 14 & 15 Vict. c. 24, s. 1, *post*.

The owners of land empowered to vest any quantity of land for purposes of these Acts in corporations.

5. And whereas the absolute owners of land may grant, subject to the regulations and provisions prescribed by the statutes in such behalf, any quantity of such land to trustees, to be held upon charitable purposes; and it would be beneficial that they should be authorized to exercise such power in respect of lands granted for the sites or for the endowment of the last-mentioned schools, or of schools for poor persons, by vesting the same so as to secure it permanently for the purpose of the trust, without the necessity of subsequent renewals of the deeds of trust: Be it therefore enacted, that where any such person shall be lawfully entitled to convey an estate in land to trustees, to hold the same upon any charitable use, and shall be desirous of conveying the same for the purposes of the Acts hereinbefore referred to, or this Act, or for the endowment of such schools, such person may grant and convey the same to any corporation or corporations as aforesaid, to be held in trust for such purposes, whatever may be the quantity of land or extent of the estate so to be granted and conveyed.

Mode of conveying the lord's interest and that of the copyholder in copyhold land.

6. And be it enacted, that where land of copyhold or customary tenure shall have been or shall be granted for the purposes of the said Acts, the conveyance of the same by any deed wherein the copyholder shall grant and convey his interest, and the lord shall also grant his interest, shall be deemed to be valid and sufficient to vest the freehold interest in the grantee or grantees thereof without any surrender or admittance or enrolment in the lord's court.

Interpretation clause.

7. And be it enacted, that, except in cases where there shall be something in the subject or context repugnant to such construction, words occurring in this Act and the above-recited Acts importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender only shall include females; and the word "land" shall include messuages, houses, lands, tenements, hereditaments, and heritages of every tenure; and the word "lease" shall include an under-lease, agreement for a lease, and missive of lease; and the word "owner"

shall include any person or corporation enabled under the provisions of the said firstly-hereinbefore-mentioned Act to convey lands for the purposes thereof.

14 & 15 VICT. CAP. 24.

An Act to amend the Acts for the granting of Sites for Schools.

[24th July, 1851.]

WHEREAS by the statute fourth and fifth Victoria, chapter thirty-eight, power is given to divers persons therein mentioned to grant, convey, and enfranchise a certain portion of land for the purpose of a site for a school for the education of poor persons, or for the residence of a schoolmaster or schoolmistress, or otherwise for the education of poor persons in religious and useful knowledge, and provisions are contained therein for facilitating the conveyance of such sites and perpetuating the trusts of the deeds: And whereas the persons therein mentioned having been authorized to grant any number of sites for distinct and separate schools, and residences for the master or mistress thereof, it is provided that the site of each school and residence should not exceed the extent of one acre, and it is also provided that not more than one such site should be in the same parish: And whereas by the twelfth and thirteen Victoria, chapter forty-nine, it is declared and enacted, that nothing in the last-recited Act contained should prevent any person or corporation from granting any number of sites for separate and distinct schools in the same parish, provided the aggregate quantity of land granted by such person in the same parish should not exceed the extent of one acre: And whereas by reason of the great extent of some parishes, wherein the population is very large, this limitation is found to be productive of inconvenience, and to prevent the extension of the education of the poor; and it is desirable to make further provision in this behalf: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

The word parish in 4 & 5 Vict. c. 38, s. 9, and 12 & 13 Vict. c. 49, s. 3, to signify an ecclesiastical district in any divided parish.

1. The word parish in the sections of the statutes herein referred to shall, in the case of any parish which has heretofore been or shall hereafter be divided by lawful authority into two

or more ecclesiastical districts, whether confined to such parish, or comprising also any part of another parish, be construed with reference to such parish to signify each such ecclesiastical district.

Incorporation of this Act with recited Acts.

2. This Act shall be construed as and be deemed to be a part of the said recited Acts, except so far as it amends the same.

III. — CHARITABLE TRUSTS ACTS, 1853 TO 1869 (a).

16 & 17 VICT. CAP. 137.

An Act for the better Administration of Charitable Trusts.

[20th August, 1853.]

* * * * *

Board may sanction building leases, working mines, doing repairs and improvements; and may authorize the application of the charity funds or the raising of money on mortgage for those purposes.

21. If in any case it appear to the trustees or persons for the time being acting in the administration or management of any charity, or the estates or property thereof, that any part of the charity lands or estates may be beneficially let on building, repairing, improving, or other leases, or on leases for working any mine, or that the digging for or raising of stone, clay, gravel, or other minerals, or the cutting of timber, would be for the benefit of the charity, or that it would be for the benefit of such charity that any new road or street should be formed or laid out, or any drains or sewers made through any part of the charity estates, or that any new building should be erected, or that any existing building should be repaired, altered, rebuilt, or wholly removed, or that any other improvements or alterations in the state or condition of the lands or estates of such charity should be made, it shall be lawful for such trustees or persons to lay before the said board a statement and proposal in relation to any of the matters aforesaid: and it shall be lawful for the said board, if they think that the leases or acts to which the statement and proposal relate (with or without modifications or alterations) would be beneficial to the charity, to make such order under their seal for and in

(a) See section 22, *ante*, p. 24, and section 78, *ante*, p. 84.

relation to the granting of such leases, or the doing of any other such acts as aforesaid, and any circumstances connected therewith, as they may think fit, although such leases or acts respectively shall not be authorized or permitted by the trust; and the said board, by any such order, may authorize the application of any monies or funds belonging to the charity for any of the purposes or acts aforesaid, and, if necessary, may authorize the trustees to raise any sum of money by mortgage of all or any part of the charity estates (b).

* * * * *

Board, under special circumstances, may authorize sale or exchange of charity lands.

24. Upon application to the said board by the trustees or persons acting in the administration of any charity, representing to the said board that, under the special circumstances of any land belonging to the charity, a sale or exchange of such land can be effected on such terms as to increase the income of the charity, or would otherwise be advantageous to the charity, such board may, if they think fit, inquire into such circumstances, and if after inquiry they are satisfied that the proposed sale or exchange will be advantageous to the charity may authorize the sale or exchange, and give such directions in relation thereto, and for securing the due investment of the money arising from any such sale, or by way of equality of exchange for the benefit of the charity, as they may think fit.

Board may authorize the redemption of rentcharges.

25. The said board shall have authority, upon such application as aforesaid, to authorize the sale to the owners of the land charged therewith of any rentcharge, annuity, or other periodical payment charged upon land, and payable to or for the benefit of any charity, or applicable to charitable purposes, upon such terms and conditions as they may deem beneficial to the charity, and to give such directions for securing the due investment of the money arising from such sale for the benefit of the charity, or for securing the due application thereof to such charitable purposes as they may think fit; and in like manner the trustees of any charity, with the consent of the board, may purchase any rentcharge or other yearly payment to which the charity estate is or shall be liable.

Leases, sales, &c., authorized by the board to be valid.

26. The leases, sales, exchange, and other transactions authorized by such board under the powers of this Act shall have the

(b) See 23 & 24 Vict. c. 136, s. 15, *post*, p. 273.

like effect and validity as if they had been authorized or directed by the express terms of the trust affecting the charity.

Trustees of charities enabled to purchase sites for building from owners under disability, &c., according to the provisions of Lands Clauses Consolidation Act, 1845.

27. Where any land shall be required for the erection or construction of any house or building, with or without garden, playground, or other appurtenances, for the purposes of any charity but by reason of the disability of any person having an estate or interest in such land, or of any defect in title thereto, a valid and perfect assurance of the same land cannot be made to the trustees of the charity in the ordinary manner, it shall be lawful for the trustees of the charity, with the sanction of the said board (such sanction to be certified under the hand of their secretary), to take and purchase such land according to the provisions of "The Lands Clauses Consolidation Act, 1845;" and for that purpose all the clauses and provisions of the last-mentioned Act with respect to the purchase of lands by agreement, and with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making a title, and also with respect to conveyances of lands, so far as the same clauses and provisions respectively are applicable to the cases contemplated by this provision, shall be incorporated in this Act; and in all cases contemplated by this provision the expression "the Special Act," used in the said clauses and provisions of the said "Lands Clauses Consolidation Act," shall be construed to mean this Act; and the expression "the promoters of the undertaking," used in the same clauses and provisions, shall be construed to mean the trustees of the charity in question (a).

18 & 19 VICT. CAP. 124.

An Act to amend the Charitable Trusts Act, 1853.

[14th August, 1855.]

* * * * *

Power to acting trustees to grant leases.

16. The acting trustees of every charity, or the majority of them, provided that such majority do not consist of less than three persons, shall have at law and in equity power to grant all such leases or tenancies of land belonging thereto, and vested in the official trustee of charity lands, as they would have power to

(a) See 18 & 19 Vict. c. 124, s. 41, *post*, p 237

grant in the due administration of the charity if the same land were legally vested in themselves ; and all covenants, conditions, and remedies contained in or incident to any lease or tenancy so granted shall be enforceable by and against the trustees or persons acting in the administration of the charity for the time being, and their alienees or assigns, in like manner as if such lands had been legally vested in the trustees granting such lease or tenancy at the time of the execution thereof, and had legally remained in or had devolved to such trustees or administrators for the time being, their alienees or assigns, subject to the same lease or tenancy.

* * * * *

Restrictions of charges and leases of charity estates.

29. It shall not be lawful for the trustees or persons acting in the administration of any charity to make or grant, otherwise than with the express authority of parliament, under any Act already passed or which may hereafter be passed, or of a court or judge of competent jurisdiction, or according to a scheme legally established, or with the approval of the board, any sale, mortgage, or charge of the charity estate, or any lease thereof in reversion after more than three years of any existing term, or for any term of life, or in consideration wholly or in part of any fine, or for any term of years exceeding twenty-one years.

* * * * *

Board may authorize payment for equality of exchange or partition.

32. The board may authorize the application of any funds belonging to any charity in payments for equality of exchange or partition, or in payment of any expenses incident thereto, or may authorize the trustees to raise any money for such purposes by mortgage of any land acquired on such exchange or partition, or belonging to the charity.

* * * * *

Expenses of exchanges and partitions, and determining application of charges.

34. The expenses incident to the application for and procuring of any such order of exchange or partition, or order determining the land charged with any rent, annuity, or periodical payment, shall be paid by the trustees or administrators of the charity, or by the other parties to such transactions, or by both, as the board may direct.

Incorporated charities and trustees for charities may re-invest in land.

35. Any incorporated charity, or the trustees of any charity, whether incorporated or not, may with the consent of the board, invest money arising from any sale of land belonging to the charity, or received by way of equality of exchange or partition, in the purchase of land, and may hold such land, or any land acquired by way of exchange or partition, for the benefit of such charity, without any licence in mortmain.

Order of board for investments to be carried into effect, and cost to be raised.

36. All orders of the board for the investment of money coming to any charity, or the trustees thereof on any sale, exchange, or partition, shall be carried into effect by the trustees or persons administering the charity ; and all monies which the board shall order to be provided out of any income or property of a charity for the payment of the costs of any such transaction shall be provided or raised by the trustees or administrators of the charity, and applied accordingly.

Board may direct official trustees to convey lands, &c.

37. It shall be lawful for the board to authorize or order and direct the official trustee of charity lands and the official trustees of charitable funds respectively to convey lands, and to assign, transfer, and pay over stocks, funds, monies, and securities, as the board shall think expedient.

Leases, &c., to be valid, notwithstanding disabling Acts.

38. All leases, sales, exchanges, partitions, and transactions authorized by the board under the principal Act or this Act shall be valid and effectual, notwithstanding the Act of the thirteenth year of the reign of Queen Elizabeth, chapter ten, the Acts of the fourteenth year of the same Queen, chapters eleven and fourteen, the Acts of the eighteenth year of the same Queen, chapters six and eleven, the Act of the thirty-ninth year of the same Queen, chapter five, and the Act of the twenty-first year of the reign of King James the First, chapter one, or any disabling Act applicable to the charity the estates whereof shall be the subject of any such transaction.

Board may approve schemes for letting charitable property.

39. It shall be lawful for the board to prepare, and under their seal to approve of, any scheme for the letting of the property or any part of the property of any charity ; and all leases granted

by any trustees or persons acting in the management of any charity, pursuant to or in conformity with such scheme, shall be valid.

• • • • •

Construction of sect. 27 of 16 & 17 Vict. c. 137.

41. Section twenty-seven of "The Charitable Trusts Act, 1853," shall be construed and operate as if the words "and the trustees of the charity shall be legally authorized to purchase and hold such land" had been omitted therefrom; and incorporated trustees of any charity shall be competent to purchase and hold lands for the purposes mentioned in the same section without licence in mortmain.

23 & 24 VICT. CAP. 136.

An Act to amend the Law relating to the Administration of endowed Charities. [28th August, 1860.]

• • • • •

Sect. 21 of 16 & 17 Vict. c. 137, extended.

15. The power vested in the said board by the twenty-first section of "The Charitable Trusts Act, 1853," of authorizing the application of monies belonging to any charity, or to be raised on the security of the properties thereof, to the improvement of such properties, shall extend to authorize the application of any like monies to any other purpose or object which the board shall consider to be beneficial to the charity or the estate or the objects thereof, and which shall not be inconsistent with the trusts or intentions of the foundation.

25 & 26 VICT. CAP. 112.

An Act for establishing the Jurisdiction of the Charity Commissioners in certain Cases. [7th August, 1862.]

WHEREAS by the Acts relating to the charity commissioners for England and Wales authority has been given to the commissioners to make orders for various purposes in charity cases upon summary application, and particularly in relation to the appointment and removal of trustees, and the sale, exchange, leasing and

improvement of the property of charities: And whereas in various private Acts of parliament and decrees and orders of the High Court of Chancery relating to charities such powers and authorities are often given or reserved, with directions that the same shall be exercised by the said court, or with its sanction or approbation, and doubts are entertained whether in such cases the authority given to the charity commissioners can be validly exercised: Be it therefore enacted and declared by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

No provision in any Act of parliament, or decree relating to any charity under any order of the Court of Chancery, to exclude any jurisdiction which might otherwise be exercised by charity commissioners

1. No provision contained in any such Act of parliament or decree or order as aforesaid for the appointment or removal of trustees of any charity, or for or relating to the sale, exchange, leasing, disposal, or improvement of any property, by or under the order or with the approval of the Court of Chancery, shall (in the absence of any express direction to the contrary, to be contained in any future Act of parliament, order, or decree) exclude or impair any jurisdiction or authority which might otherwise be properly exercised for the like purposes by the charity commissioners for England and Wales.

32 & 33 VICT. CAP. 110.

An Act for Amending the Charitable Trusts Acts.

[11th August, 1869.]

* * * * *

Legal power of majority of trustees to deal with charity estates.

12. Where the trustees or persons acting in the administration of any charity have power to determine on any sale, exchange, partition, mortgage, lease, or other disposition of any property of the charity, a majority of those trustees or persons who are present at a meeting of their body duly constituted and vote on the question shall have and be deemed to have always had full power to execute and do all such assurances, acts, and things as may be requisite for carrying any such sale, exchange, partition, mort-

gage, lease, or disposition into effect, and all such assurances, acts, and things shall have the same effect as if they were respectively executed and done by all such trustees or persons for the time being and by the official trustee or persons for the time being and by the official trustee of charity lands.

IV.—THE COMMISSIONERS CLAUSES ACT, 1847 (a).
10 VICT. CAP. 16.

An Act for consolidating in one Act certain Provisions usually contained in Acts with respect to the Constitution and Regulation of Bodies of Commissioners appointed for carrying on Undertakings of a Public Nature. [23rd April, 1847.]

* * * * *

AND with respect to the mortgages to be executed by the commissioners, be it enacted as follows :

Forms of mortgage.

75. Every mortgage or assignation in security of rates or other property authorized to be made under the provisions of this or the special Act shall be by deed duly stamped, in which the consideration shall be truly stated ; and every such deed shall be under the common seal of the commissioners if they be a body corporate, or if they be not a body corporate shall be executed by the commissioners, or any five of them, and may be according to the form in the schedule (B.) to this Act annexed, or to the like effect ; and the respective mortgagees or assignees in security shall be entitled one with another to their respective proportions of the rates and assessments or other property comprised in such mortgages or assignations respectively, according to the respective sums in such mortgages or assignations mentioned to be advanced by such mortgagees or assignees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of advancing such monies, or of the dates of any such mortgages or assignations respectively.

Register of mortgages to be kept, and to be open to inspection.

76. A register of mortgages or assignations in security shall be kept by the clerk to the commissioners, and where by the special Act the commissioners are authorized or required to raise separate sums on separate rates or other property, a separate register shall

(a) See *ante*, pp. 57–60, and 36 & 37 Vict. c. 86, ss. 10, 28, *ante*.

be kept for each class of mortgages or assignments in security, and within fourteen days after the date of any mortgage or assignment in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignment in security without fee or reward.

Transfers of mortgages.

77. Any person entitled to any such mortgage or assignment may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated ; and every such transfer may be according to the form in the schedule (C.) to this Act annexed, or to the like effect.

Register of transfers to be kept.

78. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the clerk to the commissioners, and thereupon such clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignment in security, and for such entry the clerk may demand a sum not exceeding five shillings ; and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignment in security, and the principal and interest thereby secured, and such transferee may in like manner assign or transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage or assignment so transferred, or any money thereby secured.

Interest on mortgages to be paid half-yearly.

79. Unless otherwise provided by any mortgage or assignment in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

Power to borrow money at a lower rate of interest to pay off securities at a higher rate.

80. If the commissioners can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then be in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and

discharge the securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorized to mortgage or assign in security under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed on mortgage or assignation in security.

Repayment of money borrowed at a time and place agreed upon.

81. The commissioners may, if they think proper, fix a period for the repayment of all principal monies borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the commissioners shall cause such period to be inserted in the mortgage deed or assignation in security ; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed such principal and interest shall be payable at the office of the commissioners.

Repayment of money borrowed when no time or place has been agreed upon.

82. If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the commissioners may at any time pay off the money borrowed, on giving the like notice ; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor shall be delivered to the clerk or left at the office of the commissioners, and if given by the commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if such mortgagee or creditor be unknown to the commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette* if the office of the commissioners is in England, the *Edinburgh Gazette* if it is in Scotland, or in the *Dublin Gazette* if it is in Ireland.

Interest to cease on expiration of notice to pay off a mortgage debt.

83. If the commissioners shall have given notice of their intention to pay off any such mortgage or assignation in security at a time when the same may lawfully be paid off by them, then at

be kept for each class of mortgages or assignments in security, and within fourteen days after the date of any mortgage or assignment in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignment in security without fee or reward.

Transfers of mortgages.

77. Any person entitled to any such mortgage or assignment may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the schedule (C.) to this Act annexed, or to the like effect.

Register of transfers to be kept.

78. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the clerk to the commissioners, and thereupon such clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignment in security, and for such entry the clerk may demand a sum not exceeding five shillings; and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignment in security, and the principal and interest thereby secured, and such transferee may in like manner assign or transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage or assignment so transferred, or any money thereby secured.

Interest on mortgages to be paid half-yearly.

79. Unless otherwise provided by any mortgage or assignment in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

discharge the securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorized to mortgage or assign in security under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed on mortgage or assignation in security.

Repayment of money borrowed at a time and place agreed upon.

81. The commissioners may, if they think proper, fix a period for the repayment of all principal monies borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the commissioners shall cause such period to be inserted in the mortgage deed or assignation in security; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed such principal and interest shall be payable at the office of the commissioners.

Repayment of money borrowed when no time or place has been agreed upon.

82. If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such deed or assignation, demand payment of the principal money thereby secured, giving six months' previous notice in writing or print, or by public advertisement, in the like case the commissioners borrowed, on giving the like notice, shall be in writing or print, or by public advertisement, or the creditor shall be delivered to the commissioners, and if given by public advertisement, then either personally to such person, or if such mortgagee or assignation cannot be found, then by advertisement, or if it is in Scotland, or in the

Power to pay off a mortgage debt.

83. If any person shall have given notice of their intention to pay off a mortgage or assignation in security, or if such mortgage or assignation shall be paid off by them, the

the expiration of such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the commissioners fail to pay the principal and interest due at the expiration of such notice on such mortgage or assignation in security.

Monies borrowed on security of rates to be paid off in a limited period.

84. In order to discharge the principal money borrowed as aforesaid on security of any of the rates, the commissioners shall every year appropriate and set apart out of such rates respectively a sum equal to the prescribed part, and if no part be prescribed one-twentieth part of the sums so borrowed respectively, as a sinking fund to be applied in paying off the respective principal monies so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of exchequer bills or other government securities, or in Scotland deposited in one of the banks there incorporated by Act of parliament or royal charter, and to be increased by accumulation in the way of compound interest or otherwise, until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the commissioners shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

Mode of paying off mortgages.

85. Whenever the commissioners shall be enabled to pay off one or more of the mortgages or assignations in security which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order in which they shall be paid off by lot among the class to which such one or more of the mortgages or assignations in security belong, and shall cause a notice, signed by their clerk, to be given to the persons entitled to the money to be paid off, pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of six months from the date of giving such notice.

*Arrears of interest, when to be enforced by appointment of a receiver
—Arrears of principal and interest.*

86. Where by the special Act the mortgagees or assignees in security of the commissioners are empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due to them, by the appointment of a receiver, then, if

within thirty days after the interest accruing upon any such mortgage or assignation in security has become payable, and, after demand thereof in writing, the same be not paid, the mortgagee or assignee in security may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts, require the appointment of a receiver, by an application to be made as hereinafter provided ; and if within six months after the principal money owing upon any such mortgage or assignation in security has become payable, and after demand thereof in writing the same be not paid, together with all interest due in respect thereof, the mortgagee or assignee in security, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts, may, if his debt amount to the prescribed sum, alone, or if his debt do not amount to the prescribed sum, he may in conjunction with other mortgagees or assignees in security, whose debts being so in arrear, after demand as aforesaid, together with his amount to the prescribed sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

As to the appointment of receiver.

87. Every application for a receiver in the cases aforesaid shall in England or Ireland be made to two justices, and in Scotland to the sheriff, and on any such application such justices or sheriffs may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the rates or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the rates or sums aforesaid, be fully paid ; and upon such appointment being made all such rates and sums of money as aforesaid, or such part thereof as may be ordered by the said justices or sheriff, shall be paid to the person so to be appointed, and the money so paid shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed, and after such interest and costs, or such principal, interest, and costs, have been so received the power of such receiver shall cease.

Account books to be open to the inspection of mortgagees.

88. The books of account of the commissioners shall be open at all seasonable times to the inspection of the respective mortgagees or assignees in security of the commissioners, with liberty to take extracts therefrom without fee or reward.

SCHEDULE (B.) SECT. 75.

Form of Mortgage.

By virtue of [*here name the special Act*], we [*here name the corporation, if the commissioners be incorporated, or if not incorporated, five of the commissioners*], appointed in pursuance of the said Act, in consideration of the sum of paid to the treasurer to the said commissioners by A. B., of for the purposes of the said Act, do grant and assign unto the said A. B., his executors, administrators, and assigns, such proportion of the rates, rents, profits, and other monies arising or accruing by virtue of the said Act from [*here describe the rates or other property proposed to be mortgaged*] as the said sum of doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates, rents, profits, or monies, to hold to the said A. B., his executors, administrators, and assigns, from this day until the said sum of with interest at per centum per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of years from the date hereof [*in case any period be agreed upon for that purpose*]). Given under our corporate seal [*or, in witness whereof we have hereunto set our hands and seals, or, if the deed be granted in Scotland, insert the testing clause required by the law of Scotland, as the case may be*], this day of one thousand eight hundred and

SCHEDULE (C.) SECT. 77.

Form of Transfer of Mortgage.

I, A. B., of in consideration of the sum of paid to me by C. D. of do hereby transfer to the said C. D., his executors, administrators, and assigns, a certain mortgage [*or if the deed be granted in Scotland, a certain assignation in security*], number made by "The commissioners for executing the [*here name the special Act*] to bearing date the day of for securing the sum of and interest [*or, if such transfer be by endorsement, the within security*], and all my right, estate, and interest in and to the money thereby secured, and in and to the rates, rents, profits, or other monies thereby assigned. In witness whereof I have hereunto set my hand and seal [*or, if the deed be granted in Scotland, insert the testing clause required by the law of Scotland*], this day of one thousand eight hundred and

V.—DOCUMENTARY EVIDENCE ACT (a).

31 & 32 VICT. CAP. 37.

An Act to amend the Law relating to Documentary Evidence in certain Cases.
[25th June, 1868.]

WHEREAS it is expedient to amend the law relating to evidence :
Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited for all purposes as "The Documentary Evidence Act, 1868."

Mode of proving certain documents.

2. *Primâ facie* evidence of any proclamation, order, or regulation issued before or after the passing of this Act by Her Majesty or by the privy council, also of any proclamation, order, or regulation issued before or after the passing of this Act by or under the authority of any such department of the government or officer as is mentioned in the first column of the schedule hereto, may be given in all courts of justice, and in all legal proceedings whatsoever, in all or any of the modes hereinafter mentioned ; that is to say,

- (1.) By the production of a copy of the Gazette purporting to contain such proclamation, order, or regulation :
- (2.) By the production of a copy of such proclamation, order, or regulation purporting to be printed by the government printer. * * * *
- (3.) By the production, in the case of any proclamation, order, or regulation issued by Her Majesty or by the privy council, of a copy or extract purporting to be certified to be true by the clerk of the privy council or by any one of the lords or others of the privy council, and, in the case of any proclamation, order, or regulation issued by or under the authority of any of the said departments or officers, by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said schedule in connexion with such department or officer.

(a) See section 83, *ante*, p. 86.

Any copy or extract made in pursuance of this Act may be in print or in writing, or partly in print and partly in writing.

No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, or regulation.

* * * * *

Punishment of forgery.

4. If any person commits any of the offences following, that is to say,

(1.) Prints any copy of any proclamation, order, or regulation which falsely purports to have been printed by the government printer, * * * or tenders in evidence any copy of any proclamation, order, or regulation, which falsely purports to have been printed as aforesaid, knowing that the same was not so printed ; or,

(2.) Forges or tenders in evidence, knowing the same to have been forged, any certificate by this Act authorized to be annexed to a copy of or extract from any proclamation, order, or regulation ;

he shall be guilty of felony, and shall on conviction be liable to be sentenced to penal servitude for such term as is prescribed by the Penal Servitude Act, 1864, as the least term to which an offender can be sentenced to penal servitude, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Definition of terms.

5. The following words shall in this Act have the meaning hereinafter assigned to them, unless there is something in the context repugnant to such construction ; (that is to say,)

* * * * *

“ Privy council.”

“ Privy council” shall include Her Majesty in council and the lords and others of Her Majesty’s privy council, or any of them, and any committee of the privy council that is not specially named in the schedule hereto :

“ Government printer.”

“ Government printer” shall mean and include the printer to Her Majesty : * * *

"Gazette."

"Gazette" shall include the *London Gazette*, the *Edinburgh Gazette*, and the *Dublin Gazette*, or any of such gazettes.

Act to be cumulative.

6. The provisions of this Act shall be deemed to be in addition to, and not in derogation of any powers of proving documents given by any existing statute or existing at common law.

SCHEDULE.

Column 1. Name of Department or Officer.	Column 2. Names of Certifying Officers.
The Commissioners of the Treasury.	Any Commissioner, Secretary, or Assistant Secretary of the Treasury.
The Commissioners for executing the Office of Lord High Admiral.	Any of the Commissioners for executing the Office of Lord High Admiral or either of the Secretaries to the said Commissioners.
Secretaries of State.	Any Secretary or Under-Secretary of State.
Committee of Privy Council for Trade.	Any member of the Committee of Privy Council for Trade or any Secretary or Assistant Secretary of the said Committee.
The Poor Law Board (a).	Any Commissioner of the Poor Law Board or any Secretary or Assistant Secretary of the said Board.
The Education Department. See 33 & 34 Vict. c. 75, s. 83.	Any Member of the Education Department or any Secretary or Assistant Secretary of the Education Department (b).

(a) Now Local Government Board.

(b) See 33 & 34 Vict. c. 75, s. 83, *ante*.

be kept for each class of mortgages or assignments in security, and within fourteen days after the date of any mortgage or assignment in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignment in security without fee or reward.

Transfers of mortgages.

77. Any person entitled to any such mortgage or assignment may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated ; and every such transfer may be according to the form in the schedule (C.) to this Act annexed, or to the like effect.

Register of transfers to be kept.

78. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the clerk to the commissioners, and thereupon such clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignment in security, and for such entry the clerk may demand a sum not exceeding five shillings ; and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignment in security, and the principal and interest thereby secured, and such transferee may in like manner assign or transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage or assignment so transferred, or any money thereby secured.

Interest on mortgages to be paid half-yearly.

79. Unless otherwise provided by any mortgage or assignment in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

Power to borrow money at a lower rate of interest to pay off securities at a higher rate.

80. If the commissioners can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then be in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and

discharge the securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorized to mortgage or assign in security under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed on mortgage or assignation in security.

Repayment of money borrowed at a time and place agreed upon.

81. The commissioners may, if they think proper, fix a period for the repayment of all principal monies borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the commissioners shall cause such period to be inserted in the mortgage deed or assignation in security ; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed such principal and interest shall be payable at the office of the commissioners.

Repayment of money borrowed when no time or place has been agreed upon.

82. If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the commissioners may at any time pay off the money borrowed, on giving the like notice ; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor shall be delivered to the clerk or left at the office of the commissioners, and if given by the commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if such mortgagee or creditor be unknown to the commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette* if the office of the commissioners is in England, the *Edinburgh Gazette* if it is in Scotland, or in the *Dublin Gazette* if it is in Ireland.

Interest to cease on expiration of notice to pay off a mortgage debt.

83. If the commissioners shall have given notice of their intention to pay off any such mortgage or assignation in security at a time when the same may lawfully be paid off by them, then at

or sign the proper declaration before him, the costs incurred by such auditor, when not recovered from the defendant in such information, shall, if the poor law board consent thereto, be payable to such auditor, and be chargeable in like manner as the costs incurred by an auditor in enforcing the payment of sums certified by him to be due.

IN WHAT CASES NOTICE OF INTENDED SURCHARGE IS TO BE GIVEN BY AUDITOR.

11 & 12 Vict. c. 91, s. 8. If an auditor shall see cause to surcharge any person not liable by law to be surcharged by him, and to whom no notice is now required by law to be given, with any sum of money in reference to any payment considered by him to have been illegally or improperly made, he shall, if the person be not present at such audit, cause notice in writing of his intention to make such surcharge to be given, by post or otherwise, to the person against whom he shall purpose to make this surcharge, addressed to him at his last known place of abode, and shall adjourn the audit, so far as it shall relate to such particular matter, for a sufficient time to allow of such person appearing before him, and showing cause against such surcharge; and at such time the said auditor shall hear the party, if present, and determine according to the law and justice of the case.

EVIDENCE IN PROCEEDINGS BY AUDITORS TO RECOVER SUMS CERTIFIED BY THEM TO BE DUE.

Id. s. 9. In any proceedings to be taken by an auditor, or by his attorney, before justices, to recover sums certified by him to be due, it shall be sufficient for him—to produce a certificate of his appointment under the seal of the poor law commissioners, or of the commissioners aforesaid—and to state and prove that the audit was held—that the certificate was made in the book of account of the union or parish to which the same relates—and that the sum certified to be due had not been paid to the treasurer of the guardians of the union or of the parish, as the case may require, within seven days after the same had been so certified, nor within three clear days before the laying of the information, of which non-payment a certificate in writing, purporting to be signed by the treasurer, shall be sufficient proof on the part of the auditor;—and if at the hearing of such information it shall be proved that the said sum had been paid to the treasurer subsequently to the date of such last-mentioned certificate, the costs incurred by such auditor shall be paid by the party against whom the information shall be laid, unless he prove that notice of such

payment had been given to the auditor twenty-four hours at least prior to the laying of the information.

MODE OF CERTIFYING BALANCES BY AUDITORS WHEN THE OFFICER CONTINUES IN OFFICE.

It. s. 5. Where any overseer or officer shall be continuing in office at the time when the accounts are audited, the auditor shall certify as due such sums of money only as shall be disallowed or surcharged by him in the accounts so audited.

HOW WHEN THE TERM OF OFFICE SHALL HAVE EXPIRED.

It. But where the term of office of such overseer or officer shall have expired at the time when the accounts are audited, he shall ascertain the balance which he shall find to be then due on the accounts so audited, together with the sum (if any) which he shall have disallowed or surcharged, and shall give credit for all sums which shall be proved before him to have been paid in respect of such balance to the succeeding overseers or officers, or otherwise lawfully applied on behalf of the parish or union interested therein, before the date of his audit, and he shall certify, report, and recover, in the manner provided by law, the balance remaining due after such credit shall have been given.

FORM OF CERTIFICATE OF AUDITOR.

It. And every certificate made by any auditor, if made according to the form set forth in the schedule hereunto annexed, or to the like effect, shall be deemed to be sufficient.

HOW WHEN THE SUM DISALLOWED DOES NOT AMOUNT TO FORTY SHILLINGS.

It. Provided always, that where the sum or the aggregate of the sums disallowed by the auditor, in the account of any officer, shall not amount to forty shillings, the same may be paid over with the balance due from such officer, instead of being paid to the treasurer.

The following are the forms of certificates given in the schedule to the Act above referred to:—

1. AGAINST AN ACCOUNTING OFFICER.

I do hereby certify, that in the account of *A. B.* the [*set out the name of the office*] of the parish of _____ [*or of the* _____ union], I have disallowed [*or surcharged*] the sum of _____.

As witness my hand this _____ day of _____, 18 _____.

M. N., auditor of the _____ district, which comprises the above-named parish or union.

2. AGAINST A PERSON NOT AN ACCOUNTING OFFICER.

I do hereby certify, that in the accounts of the union
[or of the parish of], I have disallowed the sum of £ ,
as a payment illegally made out of the funds of such union [or
parish], and I find that *C. D.*, of , authorized the making
of such illegal payment, and I do hereby surcharge the said *C. D.*
with the same.

As witness my hand, this day of 18 .
 M. N., auditor of the district, which comprises
 the above-named union or parish.

LIMITATION OF TIME UPON PROCEEDINGS OF AUDITORS FOR
RECOVERY OF MONEY CERTIFIED TO BE DUE.

12 & 13 Vict. c. 103, s. 9. Whereas in the Act of the last session of parliament, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within England and Wales with respect to summary convictions and orders" (*a*), it is enacted, that in all cases where no time had then been or should thereafter be specially limited for making the complaints, or laying the informations therein referred to, every such complaint should be made and every such information laid within six calendar months from the time when the matter of such complaint or information respectively arose; and doubts have been entertained whether the provision aforesaid applies to proceedings by auditors to recover sums certified by them to be due in the accounts of officers or other persons, and it is desirable to remove such doubts: Be it therefore declared and enacted, that nothing in the provisions of the said Act herein recited shall be deemed to apply to any such proceeding by any auditor, but that no auditor shall commence any such proceeding after the lapse of nine calendar months from the disallowance or surcharge by such auditor, or, in the event of an application by way of appeal against the same to the Court of Queen's Bench or to the Poor Law Board, after the lapse of nine calendar months from the determination thereupon.

(*a*) 11 & 12 Vict. c. 43, s. 11.

VII.—APPEALS AGAINST ALLOWANCES, DISALLOWANCES, AND SURCHARGES BY AUDITORS (b).

AUDITOR ON DEMAND TO STATE REASONS.

7 & 8 Vict. c. 101, s. 35. If any person aggrieved by any allowance, disallowance, or surcharge by any such auditor, require such auditor to state the reasons for the said allowance, disallowance, or surcharge, the auditor shall state such reasons in writing in the book of account in which the allowance, disallowance, or surcharge may be made.

CERTIORARI TO REMOVE ALLOWANCES OR DISALLOWANCES INTO COURT OF QUEEN'S BENCH.

It. And it shall be lawful for every person aggrieved by such allowance, and for every person aggrieved by such disallowance or surcharge, if such last-mentioned person have first paid or delivered over to any person authorized to receive the same, all such money, goods, and chattels as are admitted by his account to be due from him or remaining in his hands, to apply to the Court of Queen's Bench for a writ of *certiorari* to remove into the said court the said allowance, disallowance, or surcharge, in the like manner and subject to the like conditions as are provided in respect of persons suing forth writs of *certiorari* for the removal of orders of the justices of the peace, except that the condition of such recognizance shall be, to prosecute such *certiorari* at the costs and charges of such person, without any wilful or affected delay; and if such allowance, disallowance, or surcharge be confirmed, to pay to such auditor or his successor, within one month after the same may be confirmed, his full costs and charges, to be taxed according to the course of the said court; and except that the notice of the intended application, which shall contain a statement of the matter complained of, shall be given to such auditor or his successor, who shall in return to such writ return a copy under his hand of the entry or entries in such book of account to which such notice shall refer, and shall appear before the said court, and defend the allowance, disallowance, or surcharge, so impeached in the said court, and shall be reimbursed all such costs and charges as he may incur in such defence out of the poor rates of the union or parish respectively interested in the decision of the question, unless the said court make any order to the contrary.

(b) See section 60, sub-section 6, *ante*, p. 63.

PROCEEDINGS OF THE COURT.

1b. And on the removal of such allowance, disallowance, or surcharge, the said court shall decide the particular matter of complaint set forth in such statement, and no other; and if it appear to such court that the decision of the said auditor was erroneous, they shall, by rule of the court, order such sum of money as may have been improperly allowed, disallowed, or surcharged, to be paid to the party entitled thereto by the party who ought to repay or discharge the same.

COSTS.

1b. And they may also, if they see fit, by rule of the court, order the costs of the person prosecuting such *certiorari* to be paid by the parish or union to which such accounts relate, as to such court may seem fit; which rules of court respectively shall be enforced in like manner as other rules of the said court are enforceable.

APPEAL TO POOR LAW BOARD (a).

1b. s. 36. Provided always, that it shall be lawful for any person aggrieved as aforesaid by any allowance, or disallowance, or surcharge, in lieu of making application to the Court of Queen's Bench for a writ of *certiorari*, to apply to the said commissioners to inquire into and decide upon the lawfulness of the reasons stated by the auditor for such allowance, disallowance, or surcharge, and it shall thereupon be lawful for the said commissioners to issue such order therein, under their hands and seal, as they may deem requisite for determining the question.

APPEAL TO THE EQUITABLE JURISDICTION OF THE POOR LAW BOARD (a).

11 & 12 Vict. c. 91, s. 4. Where any appeal shall be made to the said commissioners against any allowance, disallowance, or surcharge, made by any auditor in the accounts of any guardians, overseers, or their officers, it shall be lawful for the said commissioners to decide the same according to the merits of the case; and if they shall find that any disallowance or surcharge shall have been or shall be lawfully made, but that the subject-matter thereof was incurred under such circumstances as make it fair and equitable that the disallowance or surcharge should be remitted, they may, by an order under their seal, direct that the same shall be remitted, upon payment of the costs, if any, which may have been incurred by the auditor or other competent authority in the enforcing of such disallowance or surcharge.

(a) Now the local government board.

VIII.—DISTRICT AUDITORS ACT, 1879.

42 VICT. CAP. 6.

An Act to amend the Law with respect to District Auditors.

[28th March, 1879.]

WHEREAS the auditors of the accounts relating to the relief of the poor (in this Act referred to as district auditors) are under the Poor Law Amendment Act, 1868, appointed by the Local Government Board, and are by that Act declared to be civil servants of the State within the operation of the Superannuation Act, 1859, but the remuneration and expenses of such auditors which are by law payable out of local rates are in fact paid partly out of moneys annually provided by parliament, and partly out of local rates; and whereas it is expedient that in future the whole of such remuneration and expenses should be paid out of moneys voted by parliament, and that in lieu of the amount now so paid out of local rates an equivalent sum should be raised by means of stamps, in manner hereinafter mentioned, and also that further provision should be made respecting such payment and otherwise respecting such auditors: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the District Auditors Act, 1879.

Provision as to contribution by treasury and out of local rate for payment of district auditors.

2. After the twenty-fifth day of March, one thousand eight hundred and seventy-nine all payments to district auditors out of any local rate shall cease, and the whole of the salaries or remuneration and of the expenses of district auditors, to such amount as may be sanctioned by the treasury, shall be paid out of moneys provided by parliament; and for the purpose of contributing to the amount required for the payment of such salaries, remuneration, and expenses, there shall be charged on every local authority whose accounts are audited by a district auditor a stamp duty for the use of Her Majesty, according to the scale contained in the first schedule to this Act, and such duty shall be levied by a stamp on the certificate of the auditor hereinafter mentioned.

Financial statement with stamped certificate of district auditor.

3. Where the accounts of the receipts and expenditure of a local authority are audited by a district auditor, the local authority shall prepare and submit to the district auditor at every audit (other than an extraordinary audit held in pursuance of section six of the Poor Law Amendment Act, 1866), a financial statement in duplicate in the prescribed form and containing the prescribed particulars ; one of such duplicates shall have the stamp charged under this Act affixed thereon, and the auditor at the conclusion of the audit shall cancel that stamp, and certify on each duplicate, in the prescribed form, the amount in words at length of the expenditure so audited and allowed, and further, that the regulations with respect to such statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement.

He shall forthwith send the duplicate so stamped and certified by him to the Local Government Board ; and in such case a return of the receipts or expenditure comprised in such statement need not, unless the Local Government Board so require, be sent to the board in pursuance of the Local Taxation Returns Acts, 1860 and 1877.

Appointment and districts of district auditors.

4. The Local Government Board may from time to time appoint such number of district auditors as they may, with the sanction of the treasury, think necessary for the performance of the duties of auditing the accounts which are for the time being by law subject to be audited by district auditors, and may from time to time remove such auditors.

The board may from time to time assign to district auditors their duties, and the districts in which such auditors respectively are to act, and may from time to time change wholly or in part such duties or districts ; and every district so assigned to a district auditor, whether originally or upon any change, shall be deemed to be an audit district within the meaning of any enactment relating to district auditors or their districts, and the auditor to whom any district is assigned shall be deemed to be the district auditor for that district.

The board may also, with the consent of the treasury, appoint from time to time a person or persons, either temporarily or otherwise, to assist a district auditor in the performance of his duties, and any person so appointed shall, subject to any exceptions made by the terms of his appointment, have the same powers and duties and be subject to the same obligations as the district auditor whom he is appointed to assist.

The board, with the like consent, may assign to a person so appointed such salary or remuneration and such sum for his expenses as may seem fit, and such salary, remuneration, and expenses shall be paid out of moneys provided by parliament.

Regulations as to audit.

5. Where any accounts of the receipts and expenditure of a local authority are subject by law to be audited by a district auditor, the Local Government Board may from time to time by order make, and when made revoke and vary, such regulations as seem to the board necessary or proper respecting the audit of such accounts, including the form of keeping the accounts of the local authority and their officers, the day or days to which the accounts are to be made up, the time within which they are to be examined by the local authority, the mode in which, if it is so prescribed, they are to be certified by the local authority or any officer of that authority, the mode of publishing the time and place of holding the audit, and the mode of conducting the audit, and an order under this section shall be deemed to be an order within the meaning of section ninety-eight of the Poor Law Amendment Act, 1834 (4 & 5 Will. 4, c. 76).

Stamp duties under Inland Revenue.

6. The duties charged under this Act shall be deemed to be stamp duties under the management of the commissioners of inland revenue, and all the Acts relating to stamp duties, particularly those relating to forgery, fraudulent dies, and other offences in connexion with stamp duties, shall apply accordingly; and such duties may, if the commissioners so direct, be denoted by adhesive stamps, to be cancelled by the auditor as provided by this Act.

Failure to submit financial statement.

7. If a local authority fail to comply with the provisions of this Act with respect to a financial statement, such local authority, or if a clerk to the local authority is appointed, that clerk, and if no clerk is appointed, but there is a treasurer or other officer keeping the accounts which should be comprised in such financial statement, that treasurer or other officer shall be liable to a fine not exceeding twenty pounds for each offence, to be recovered by action on behalf of Her Majesty in the high court of justice.

Definitions.

8. In this Act—

The expression “local rate” means the poor rate, the general district rate, and every rate the proceeds of which are applicable to public local purposes, and which is leviable on the basis of a poundage assessment of the value of property, and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined.

The expression “local authority” means any person or body of persons who receive and expend any local rate, but does not include overseers of the poor.

The expression “prescribed” means prescribed from time to time by the Local Government Board.

The expression “treasury” means the commissioners of Her Majesty’s treasury.

Provision for existing auditors.

9. The Local Government Board, with the approval of the treasury, shall as soon as may be after the passing of this Act determine the salary or remuneration to be paid to the district auditors holding office at the passing of this Act, and the amount to be allowed for their expenses, regard being had to the sums which such officers have heretofore received out of local rates, as well as out of moneys provided by parliament, and to any change of their duties which may be made in pursuance of this Act.

Provision for first year.

10. If in the year one thousand eight hundred and seventy-nine the audit of the accounts of the receipts and expenditure of any local authority for any period ending on some day of the month of March has been completed before the expiration of two months after the passing of this Act, the local authority shall submit the financial statement required by this Act to the auditor within the said two months.

Repeal of Acts.

11. The Acts specified in the second schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Provided that—

(1.) This repeal shall not affect anything done or suffered, or any right acquired or accrued, under any enactment hereby repealed ; and

- (2.) Any auditor appointed in pursuance of any enactment hereby repealed shall (save as may be prescribed) have the same powers and duties and be subject to the same obligations as if such enactment had not been repealed.

Saving of certain fees and expenses.

12. Nothing in this Act shall prevent a district auditor from recovering any sum in respect of an audit held by him prior to the twenty-fifth day of March, one thousand eight hundred and seventy-nine, or in respect of an audit of accounts made up to some day prior to that day, and the audit of which might have been held before the said day, or from recovering any expenses incurred, or which he may hereafter incur, in any proceedings which he is authorised or required to take or defend under the statutes in that behalf.

FIRST SCHEDULE.

SCALE OF STAMP DUTIES PAYABLE BY LOCAL AUTHORITIES.

Section 2.

Where the total of the expenditure comprised in the financial statement is	The sum shall be
Under 20 <i>l.</i> - - - - -	5 <i>s.</i>
20 <i>l.</i> and under 50 <i>l.</i> - - - - -	10 <i>s.</i>
50 <i>l.</i> and under 100 <i>l.</i> - - - - -	1 <i>l.</i>
100 <i>l.</i> and under 500 <i>l.</i> - - - - -	2 <i>l.</i>
500 <i>l.</i> and under 1,000 <i>l.</i> - - - - -	3 <i>l.</i>
1,000 <i>l.</i> and under 2,500 <i>l.</i> - - - - -	4 <i>l.</i>
2,500 <i>l.</i> and under 5,000 <i>l.</i> - - - - -	5 <i>l.</i>
5,000 <i>l.</i> and under 10,000 <i>l.</i> - - - - -	10 <i>l.</i>
10,000 <i>l.</i> and under 20,000 <i>l.</i> - - - - -	15 <i>l.</i>
20,000 <i>l.</i> and under 50,000 <i>l.</i> - - - - -	20 <i>l.</i>
50,000 <i>l.</i> and under 100,000 <i>l.</i> - - - - -	30 <i>l.</i>
100,000 <i>l.</i> and upwards - - - - -	50 <i>l.</i>

For the purpose of this schedule the expenditure comprised in the financial statement shall be exclusive of any sum paid to another local authority in pursuance of a precept.

IX.—GIFTS OF LAND FOR SCHOOL-HOUSES.

34 VICT. CAP. 13.

An Act to facilitate Gifts of Land for Public Parks, Schools, and Museums.
[25th May, 1871.]

WHEREAS it is expedient to facilitate gifts of land for the purpose of forming public parks, schools, and museums :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as "The Public Parks, Schools, and Museums Act, 1871."

Not to extend to Scotland or Ireland.

2. This Act shall not extend to Scotland or Ireland.

Interpretation of terms—Public park—Elementary school—School-house—Public museum.

3. In the construction of this Act, the words "public park" shall include any park, garden, or other land dedicated or to be dedicated to the recreation of the public ; the words "elementary school" shall mean a school or department of a school at which elementary education is the principal part of the education there given, and shall not include any school or department of a school at which the ordinary payments in respect of the instruction from each scholar exceed ninepence a-week ; the word "school-house" shall include the teachers dwelling-house, and the playground (if any), and the offices and all premises belonging to or required for a school ; and the words "public museum" shall include any buildings used or to be used for the preservation of any collection of paintings or other works of art, or of any objects of natural history, or of any mechanical or philosophical inventions, instruments, models, or designs, and dedicated or to be dedicated to the recreation of the public, together with all libraries, reading-rooms, laboratories, and other offices and premises used or to be used in connexion therewith.

Gifts and bequests of land or of money to be laid out in land for a public park, &c., exempted from the Mortmain Act.

4. From and after the passing of this Act all gifts and assurances of land of any tenure, and whether made by deed or by will or codicil, for the purposes only of a public park, a school-house for an elementary school, or a public museum, and all bequests of personal estate to be applied in or towards the purchase of land for all or any of the same purposes only, shall be valid notwithstanding the statute of the ninth George the Second, chapter thirty-six. and other statutes commonly known as the Statute of Mortmain.

All such gifts, &c., not made for valuable consideration to be made 12 months before the donor's death, and to be enrolled.

5. Provided that every will or codicil containing any such gift or assurance and every deed containing any such gift or assurance and made otherwise than for full and valuable consideration, shall in order to enable such gift or assurance to take effect under this Act, be made twelve calendar months at least before the death of the testator or grantor, and shall be enrolled in the books of the charity commissioners within six calendar months next after the time when the same will, codicil, or deed shall come into operation.

Limit to extent of land that may be given.

6. Nothing in this Act shall authorize any gift by will or codicil of more than twenty acres of land for any one public park, or of more than two acres of land for any one public museum, or of more than one acre of land for any one school-house.

Not to invalidate, &c., any gift, &c., which would have been valid had this Act not passed.

7. Nothing in this Act contained shall invalidate or impose any restriction or condition upon any gift or assurance which would have been valid and free from such restriction or condition if this Act had not been passed.

X.—BOUNDARIES OF METROPOLITAN DIVISIONS.**ORDER OF EDUCATION DEPARTMENT.**

At the Council Chamber, Whitehall, the 7th day of October, 1870.

*Minute by the Lords of the Committee of the Privy Council
on Education.*

Their Lordships read and approved the following—

Orders fixing the boundaries of divisions of the metropolis, with the number of members to be elected by each division, and appointing the returning officer for the first election of the school board for London and his deputies.

Whereas it is provided by the 37th section of the “Elementary Education Act, 1870,” that the school board in the metropolis as in the said Act defined shall consist of such number of members elected by the divisions specified in the 5th Schedule to the said Act as the education department may by order fix, and that the education department, as soon as may be after the passing of the said Act, shall by order determine the boundaries of the said divisions for the purposes of the said Act, and the number of members to be elected by each such division :

And whereas it is also provided that the education department may in the order fixing the boundaries of such divisions name some person who shall be the returning officer for the purpose of the first election of the school board, and the person who is to be the deputy returning officer in each such division :

Now, therefore, the lords of the committee of council on education, by virtue and in exercise of the powers in them vested under the said Act, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows :—

1. Each of the following divisions, viz. :—

Tower Hamlets ;
Hackney ;
Southwark ;
Westminster ;
Chelsea ;

shall have the same boundaries as the parliamentary borough of the same name, excluding such parts as are outside the said metropolis.

2. The division of Finsbury shall include such parts of the parliamentary borough of Finsbury as are within the said metropolis, and the parts of Furnival's Inn and Staple Inn respectively which are outside the said borough of Finsbury.

3. The city division shall include the area comprised within the parliamentary borough of London, except those parts of Furnival's Inn and Staple Inn, which are within such borough.

4. The division of Marylebone shall include the parliamentary borough of Marylebone, and the parish of St. John, Hampstead.

5. The division of Lambeth shall include the parliamentary borough of Lambeth, all those parts of the parishes of Lambeth and Camberwell outside the boundary of the said borough, and the Wandsworth district as described in Schedule B., Part I., of the "Metropolis Local Management Act, 1855."

6. The division of Greenwich shall include the parliamentary borough of Greenwich, and all those parts of the parishes of Greenwich and Woolwich, and of the districts of Plumstead and Lewisham, as described in Schedule B., Part II., of the "Metropolis Local Management Act, 1855," which are outside the said borough of Greenwich.

7. The returning officer for the first election of the school board for London shall be the Right Honourable Russell Gurney, one of Her Majesty's counsel, Recorder of London.

8. The school board for London shall consist of forty-nine members elected as aforesaid : and the number of such members to be elected and the deputy returning officer in each division shall be the numbers and the persons respectively mentioned in the second and third columns of the Schedule annexed.

9. "Parliamentary borough" in this order shall mean a borough as defined by the Boundary Act, 1868.

F. R. SANDFORD,
Secretary.

SCHEDULE.

Division.	Number of Members to be elected.	Deputy Returning Officer.
Chelsea - -	Four - -	C. Lahee, Esq., Vestry Clerk of the Parish of Chelsea.
City - -	Four - -	G. W. K. Potter, Esq., Secondary of the City of London.
Finsbury - -	Six - -	J. Layton, Esq., Vestry Clerk of the Parish of St. Mary's, Islington.
Greenwich - -	Four - -	W. Bristow, Esq., Vestry Clerk of Greenwich.
Hackney - -	Five - -	R. Ellis, Esq., Vestry Clerk of the Parish of St. John, at Hackney.
Lambeth - -	Five - -	T. Roffey, Esq., Vestry Clerk of the Parish of St. Mary's, Lambeth.
Marylebone - -	Seven - -	W. E. Greenwell, Esq., Vestry Clerk of the Parish of St. Marylebone.
Southwark - -	Four - -	D. Birt, Esq., Vestry Clerk of the Parish of St. George the Martyr, Southwark.
Tower Hamlets - -	Five - -	T. G. Harrison, Esq., Vestry Clerk of the Parish of St. George-in-the-East.
Westminster - -	Five - -	J. Rogers, Esq., Vestry Clerk of the Parishes of St. Margaret's and St. John's, Westminster.

XI.—ELECTIONS OF SCHOOL BOARDS.

REGULATIONS AS TO TRIENNIAL ELECTIONS IN BOROUGHES.

At the Council Chamber, Whitehall, the 3rd day of
October, 1873.

By the Lords of the Committee of the Privy Council on Education.

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Acts, 1870, 1873, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows :—

With respect to the triennial election of a school board in a borough :—

1. The number of members of the school board for a borough is the number determined in the first instance by the education department ; or thereafter by the resolution in force for the time being, which has been duly passed by the school board, and approved by the said department.

2. The returning officer shall be the mayor of the borough, or other officer who, under the law relating to municipal elections, presides at such elections.

3. The members of every school board shall hold office for three years, and the day for the triennial retirement of members shall be the same day of the year as that which was fixed for the first election of the school board.

The election of members of a school board to fill up the vacancies to be caused by every such retirement, shall be held upon some convenient day to be fixed by the returning officer in the notice to be issued by him in pursuance of this order, provided that such day of election shall be not more than fourteen clear days and not less than four clear days before the day hereinbefore fixed for such retirement.

4. *Fourteen* clear days at least before the day fixed for the triennial election the returning officer shall prepare, sign, and publish such notice of the election as is hereinafter prescribed.

5. The notice shall specify the number of members to be elected, with the day fixed for the triennial election ; and shall also specify a place for the reception of the nomination papers hereinafter mentioned.

The notice shall be in the form annexed to this order, or to the like effect.

6. After publication of the notice, but not less than ten clear days before the day fixed for the triennial election, any two persons whose names are on the burgess roll of the borough may nominate as a candidate any one person of full age, by sending to, or delivering at, the appointed place a nomination paper, subscribed by such two persons as aforesaid, and stating the christian name and surname, with the places of abode and description of each subscriber, and of the candidate nominated; and the returning officer shall send, forthwith, notice of such nomination to each candidate.

A person shall not join more than once in nominating a candidate in the election.

7. No nomination paper shall be received after *four o'clock* in the afternoon of the last day upon which such paper may be received, and no person shall be a candidate unless he has been nominated within the time and in the manner aforesaid.

The returning officer shall decide whether any nomination is valid, and his decision shall be final.

8. *Eight* clear days at least before the day fixed for the election, the names, places of abode, and descriptions of the several candidates nominated as aforesaid shall be advertised by the returning officer in one or more of the newspapers circulating in the borough, or shall be published in like manner as in the case of an election of councillors.

9. After delivery of a nomination paper, but not less than *six* clear days before the day fixed for the election, any candidate may be withdrawn by delivering at the place appointed, a notice of such withdrawal, addressed to the returning officer, and signed by the candidate.

Such notice shall not be delivered later than *four o'clock* in the afternoon.

10. If no more persons are nominated as aforesaid than there are members to be elected, such persons shall be deemed to be elected on the day fixed for the election, and the returning officer shall on the said day publish a list of the names, with the places of abode and descriptions of the persons so elected, and such publication shall be conclusive evidence of the election.

The returning officer shall forthwith transmit a copy of such list to the education department.

11. If after the time hereinbefore limited for the withdrawal of any candidate more persons remain as candidates than there are

members to be elected, the returning officer shall forthwith publish the names, places of abode, and descriptions of the several candidates, and give notice that a poll will be taken on the day fixed for the election, between the hours specified in such notice.

12. The returning officer shall determine the number and situation of the polling-stations, and shall publish the same not less than *three* clear days before the day fixed for the election.

No public-house shall be used for a polling-station or for the purposes of an election.

13. If the borough is divided into wards, each voter shall give his vote in the ward in which the property in respect of which he is entitled to vote is situate, and if it is situate in more than one ward, he shall vote in any one of the wards in which it is situate.

14. The returning officer, or some person or persons appointed by him for this purpose, shall preside at each polling-station, provided that only one person shall preside at the same time.

15. The poll shall commence at such an hour, not earlier than 8 a.m., and close at such an hour, not later than 8 p.m., as shall be fixed by the returning officer, but the poll shall be open for *seven* hours, and no longer.

16. Subject to the provisions of this order, the poll shall be taken in like manner as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be taken; and the provisions of that act shall apply to the election in like manner as if they were contained in this order, with the substitution of the term "school board election" for the term "municipal election":
Provided that :

- (a.) Every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit.
- (b.) The voter may place against the name of any candidate for whom he votes the number of votes he gives to such candidate in lieu of a cross, and the form of directions for the guidance of the voter in voting, contained in the Ballot Act, 1872, shall be altered accordingly.
- (c.) The provisions of sections three, four, eleven, and twenty-four of the Ballot Act, 1872, shall be deemed to be regulations contained in this order which involve a penalty within the meaning of section ninety of the Elementary Education Act, 1870.

17. The person presiding at the poll may, and if required by any two voters shall, put to any voter at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them, but no other :—

- (1.) Are you the person whose name appears as *A. B.* on the list of burgesses, being registered therein as being rated for property described to be situated therein?

[Here specify the street, &c., as described in the burgess roll.]

- (2.) Have you already voted at the present election?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

18. In case of an equality of votes, the returning officer shall determine by lot the persons to be elected. The triennial election shall be deemed to have taken place on the day fixed for such election.

19. The returning officer shall publish notice of the result of the poll and of the names of the persons elected. He shall also forthwith transmit a copy of such notice to the education department, and deliver the ballot papers to the town clerk, to be kept for six months among the records of the borough, and section 64 (b) of the Ballot Act, 1872, shall apply as if it were inserted in this order.

20. The expenses of the election and of taking the poll, and the remuneration to the returning officer and his assistants (if any) shall be paid by the school board out of the school fund. Provided that if any question shall arise between the returning officer and the school board as to such expenses or remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Notices and other matters required by these regulations to be published, shall be published in like manner as in the case of the election of councillors.

F. R. SANDFORD,
Secretary.

Form of Notice.

TRIENNIAL ELECTION OF A SCHOOL BOARD IN A BOROUGH.

Notice is hereby given—that

1. The triennial election of a school board for this borough will take place on the day of 187 .

2. The number of persons to be elected as members of the school board is .

3. Any two burgesses may nominate any one person of full age, and no more, as a candidate, by sending to or delivering at *the office of the town clerk (or other office to be specified)* a nomination paper.

A person may not join more than once in nominating a candidate in the election.

The nomination paper must be dated and subscribed by the two burgesses, and must contain the christian names, surnames, places of abode, and descriptions of the subscribers, and of the candidate nominated.

No nomination paper will be received after 4 o'clock in the afternoon of the day of .
Public notice will be given of the list of candidates on or before the day of .

4. Any candidate may be withdrawn by delivering at *the town clerk's office (or other office to be specified)* not later than 4 o'clock in the afternoon of the day of , a notice of withdrawal signed by the candidate and addressed to the returning officer.

5. The voting will take place in each ward, and notice of the number and situation of the polling stations will be published on or before the day of .

Each voter must vote in the ward in which the property in respect of which he is rated is situate, and if it is situate in more than one ward, in any one of the wards in which it is situate.

6. The poll will be open from a.m. till p.m.

7. Every person upon the burgess roll is entitled to vote in the election. The voting shall be by ballot.

8. Each voter has votes, all or some of which he may distribute among the candidates as he thinks fit.

Dated this day of , 187 .

Returning Officer.

(State office or address.)

REGULATIONS AS TO FIRST ELECTIONS OF SCHOOL BOARDS IN
BOROUGHES.

At the Council Chamber, Whitehall, the 17th day of November,
1873.

By the Lords of the Committee of the Privy Council on Education.

Their Lordships read and approved the following—General Regulations for the first Election of School Boards in boroughs.

1. The number of members of the school board of a borough shall be *from five to fifteen, as may be determined in each case.*

2. The returning officer shall be the mayor of the borough, or other officer who, under the law relating to municipal elections, presides at such elections.

3. The first election of members of the school board shall be held on some day, to be fixed by the returning officer, and within 28 clear days after the date of the requisition to elect a school board, *which will be sent to the mayor.*

4. *Fourteen* clear days at least before the day fixed for the election the returning officer shall prepare, sign, and publish, such notice of the election as is hereinafter prescribed.

5. The notice shall specify the number of members to be elected, with the day fixed for the election ; and shall also specify a place for the reception of the nomination papers hereinafter mentioned.

The notice shall be in the form annexed to this order, or to the like effect.

6. After publication of the notice, but not less than *ten* clear days before the day fixed for the election, any two persons whose names are on the burgess roll of the borough may nominate as a candidate any one person of full age, by sending to, or delivering at, the appointed place, a nomination paper, subscribed by such two persons as aforesaid, and stating the christian name and surname, with the place of abode and description of each subscriber, and of the candidate nominated ; and the returning officer shall send, forthwith, notice of such nomination to each candidate.

A person shall not join more than once in nominating a candidate in the election.

7. No nomination paper shall be received after four o'clock in the afternoon of the last day upon which such paper may be received, and no person shall be a candidate unless he has been nominated within the time and in the manner aforesaid.

The returning officer shall decide whether any nomination is valid, and his decision shall be final.

8. *Eight* clear days at least before the day fixed for the election the names, places of abode and descriptions of the several candidates

nominated as aforesaid shall be advertised by the returning officer in one or more of the newspapers circulating in the borough, or shall be published in like manner as in the case of an election of councillors.

9. After delivery of a nomination paper, but not less than *six* clear days before the day fixed for the election, any candidate may be withdrawn by delivering at the place appointed, a notice of such withdrawal, addressed to the returning officer, and signed by the candidate.

Such notice shall not be delivered later than 4 o'clock in the afternoon.

10. If no more persons are nominated as aforesaid than there are members to be elected, such persons shall be deemed to be elected on the day fixed for the election, and the returning officer shall, on the said day publish a list of the names, with the places of abode and descriptions, of the persons so elected, and such publication shall be conclusive evidence of the election.

The returning officer shall forthwith transmit a copy of such list to the education department.

11. If after the time hereinbefore limited for the withdrawal of any candidate more persons remain as candidates than there are members to be elected, the returning officer shall forthwith publish the names, places of abode, and descriptions of the several candidates, and give notice that a poll will be taken on the day fixed for the election, between the hours specified in such notice.

12. The returning officer shall determine the number and situation of the polling-stations, and shall publish the same not less than *three* clear days before the day fixed for the election.

No public-house shall be used for a polling-station, or for the purposes of an election.

13. If the borough is divided into wards, each voter shall give his vote in the ward in which the property in respect of which he is entitled to vote is situate, and if it is situate in more than one ward, he shall vote in any one of the wards in which it is situate.

14. The returning officer or some person or persons appointed by him for this purpose, shall preside at each polling-station, provided that only one person shall preside at the same time.

15. The poll shall commence at such an hour, not earlier than 8 a.m., and close at such an hour, not later than 8 p.m., as shall be fixed by the returning officer, but the poll shall be open for seven hours, and no longer.

16. Subject to the provisions of this order, the poll shall be taken in like manner as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be taken; and subject as aforesaid the provisions of that Act shall apply to the election in

like manner as if they were contained in this order, with the substitution of the term "school board election" for the term "municipal election": Provided that :—

- (a.) Every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit.
- (b.) The voter may place against the name of any candidate for whom he votes the number of votes he gives to such candidate in lieu of a cross, and the form of directions for the guidance of the voter in voting, contained in the Ballot Act, 1872, shall be altered accordingly.
- (c.) The provisions of sections three, four, eleven, and twenty-four of the Ballot Act, 1872, shall be deemed to be regulations contained in this order which involve a penalty within the meaning of section ninety of the Elementary Education Act, 1870.

17. The person presiding at the poll may, and if required by any two voters, shall put to any voter at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them, but no other :

- (1.) Are you the person whose name appears as *A. B.* on the list of burgesses, being registered therein as being rated for property described therein to be situated at
[*Here specify the street, &c., as described in the burgess roll.*]

- (2.) Have you already voted at the present election ?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

18. In case of an equality of votes, the returning officer shall determine by lot the persons to be elected. The election shall be deemed to have taken place on the day fixed for the election.

19. The returning officer shall publish notice of the result of the poll and of the names of the person elected. He shall also forthwith transmit a copy of such notice to the education department, and deliver the voting papers to the town clerk, to be kept for six months among the records of the borough, and sect. 64 (b) of the Ballot Act, 1872, shall apply as if it were inserted in this order.

20. The expenses of the election and of taking the poll, and the remuneration to the returning officer and his assistants (if any), shall be paid by the school board out of the school fund. Provided that if any question shall arise between the returning officer and the school board as to such expenses or remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Notices and other matters required by these regulations to be published shall be published in like manner as in the case of the election of councillors.

F. R. SANDFORD,
Secretary.

Form of Notice.

Borough of

ELECTION OF A SCHOOL BOARD.

Notice is hereby given—that

1. The first election of a school board for this borough will take place on the day of 187 .

2. The number of persons to be elected as members of the school board is .

3. Any two burgesses may nominate any one person of full age, and no more, as a candidate, by sending to or delivering, at *the office of the town clerk (or other office to be specified)* a nomination paper.

A person may not join more than once in nominating a candidate in the election.

The nomination paper must be dated and subscribed by the two burgesses, and must contain the christian names, surnames, places of abode, and descriptions of the subscribers, and of the candidate nominated.

No nomination paper will be received after four o'clock in the afternoon of the day of .

4. Public notice will be given of the list of candidates on or before the day of .

5. Any candidate may be withdrawn by delivering at *the town clerk's office, (or other office to be specified,)* not later than four o'clock in the afternoon of the day of a notice of withdrawal signed by the candidate and addressed to the returning officer.

6. The voting will take place in each ward, and notice of the number and situation of the polling-stations will be published on or before the day of .

Each voter must vote in the ward in which the property in respect of which he is rated is situate, and if it is situate in more than one ward, in any one of the wards in which it is situate.

7. The poll will be open from a.m. till p.m.

8. Every person upon the burgess roll is entitled to vote in this election. The voting shall be by ballot.

9. Each voter has votes, all or some of which he may distribute among the candidates as he thinks fit.

Dated this day of 187 .

(*State office or address.*)

Returning Officer.

REGULATIONS AS TO ELECTION FOR FILLING UP CASUAL
VACANCIES (BOROUGHs).

At the Council Chamber, Whitehall, the 17th day of November,
1873.

*By the Lords of the Committee of the Privy Council on
Education.*

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Acts, 1870 and 1873, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows:—

With respect to the annual election of members to fill up casual vacancies in the school board of a borough.

1. The number of persons to be elected to fill up such vacancies in the school board for a borough shall be the number certified by the education department.

2. The returning officer shall be the mayor of the borough or other officer who, under the law relating to municipal elections, presides at such elections.

3. An election to fill up such vacancies shall be held once in every year upon some convenient day to be fixed by the returning officer in the notice to be issued by him in pursuance of this order, provided that such day of election shall be not more than fourteen clear days, and not less than four clear days before the day fixed for the election of the school board.

4. *Fourteen* clear days at least before the day fixed for the election, the returning officer shall prepare, sign, and publish such notice of the election as hereinafter prescribed.

5. The notice shall specify the number of members to be elected, the day fixed for the election, and shall also specify a place for the reception of the nomination papers hereinafter mentioned.

The notice shall be in the form annexed to this order, or to the like effect.

6. After publication of the notice, but not less than ~~ten~~ clear days before the day fixed for the election, any two persons whose names are on the burgess roll of the borough may nominate as a

ELECTIONS FOR CASUAL VACANCIES—BOROUGHES. 275

candidate any one person, of full age, by sending to, or delivering at, the appointed place a nomination paper, subscribed by such two persons as aforesaid, and stating the christian name and surname, with the place of abode and description of each subscriber and of the candidate nominated; and the returning officer shall send forthwith notice of such nomination to each candidate. A person shall not join more than once in nominating a candidate in the election.

7. No nomination paper shall be received after four o'clock in the afternoon of the last day upon which such paper may be received, and no person shall be a candidate unless he has been nominated within the time and in the manner aforesaid.

The returning officer shall decide whether any nomination is valid, and his decision shall be final.

8. *Eight* clear days at least before the day fixed for the election, the names, places of abode, and descriptions of the several candidates nominated as aforesaid shall be advertised by the returning officer in one or more of the newspapers circulating in the borough, or shall be published in like manner as in the case of an election of councillors.

9. After delivery of a nomination paper, but not less than *six* clear days before the day fixed for the election, any candidate may be withdrawn by delivering, at the place appointed, a notice of such withdrawal, addressed to the returning officer and signed by the candidate.

Such notice shall not be delivered later than four o'clock in the afternoon.

10. If no more persons are nominated as aforesaid than there are members to be elected, such persons shall be deemed to be elected on the day fixed for the election, and the returning officer shall, on the said day, publish a list of the names, with the places of abode and descriptions of the persons so elected, and such publication shall be conclusive evidence of the election.

The returning officer shall forthwith transmit a copy of such list to the education department.

11. If after the time hereinbefore limited for the withdrawal of any candidate more persons remain as candidates than there are members to be elected, the returning officer shall forthwith publish the names, places of abode, and descriptions of the several candidates, and give notice that a poll will be taken on the day fixed for the election, between the hours specified in such notice.

12. The returning officer shall determine the number and situation of the polling stations, and shall publish the same not less than *three* clear days before the day fixed for the election.

A person may not join more than once in nominating a candidate in the election.

The nomination paper must be dated and subscribed by the two burgesses, and must contain the christian names, surnames, places of abode, and descriptions of the subscribers and of the candidate nominated.

No nomination paper will be received after 4 o'clock in the afternoon of the day of .

4. Public notice will be given of the list of candidates on or before the day of .

5. Any candidate may be withdrawn by delivering at *the town clerk's office (or other office to be specified)*, not later than 4 o'clock in the afternoon of the day of , a notice of withdrawal, signed by the candidate and addressed to the returning officer.

6. The voting will take place in each ward, and notice of the number and situation of the polling stations will be published on or before the day of .

Each voter must vote in the ward in which the property in respect of which he is rated is situate, and if it is situate in more than one ward, in any one of the wards in which it is situate.

7. The poll will be open from a.m. till p.m.

8. Every person upon the burgess roll is entitled to vote in this election. The voting shall be by ballot.

9. In this election each voter has one vote; *or, if more than one vacancy has to be filled up*, [In this election each voter has votes, all or some of which he may distribute among the candidates as he thinks fit.]

Dated this day of 187

Returning Officer.

(State office or address).

ELECTIONS FOR CASUAL VACANCIES—BOROUGH. 277

(2.) Have you already voted at the present election?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

18. In case of an equality of votes, the returning officer shall determine by lot the person or persons to be elected.

The election shall be deemed to have taken place on the day fixed for such election.

19. The returning officer shall publish notice of the result of the poll and of the name or names of the person or persons elected. He shall also forthwith transmit a copy of such notice to the education department, and deliver the voting papers to the town clerk to be kept for six months among the records of the borough, and sect. 64 (b) of the Ballot Act, 1872, shall apply as if it were inserted in this order.

20. The expenses of the election and of taking the poll, and the remuneration to the returning officer and his assistants (if any) shall be paid by the school board out of the school fund. Provided that if any question shall arise between the returning officer and the school board as to such expenses or remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Notices and other matters required by these regulations to be published shall be published in like manner as in the case of the election of councillors.

F. R. SANDFORD,
Secretary.

Form of Notice.

ELECTION OF A MEMBER (OR MEMBERS) TO FILL A VACANCY OR VACANCIES IN THE SCHOOL BOARD IN A BOROUGH.

Notice is hereby given—that

1. An election of a member [or members] to fill the vacancy which has [or the vacancies which have] occurred in the school board for this borough, will take place on the day of
187 .

2. The number of persons to be elected is

3. Any two burgesses may nominate any one person of full age, and no more, as a candidate, by sending to or delivering at *the office of the town clerk (or other office to be specified)* a nomination paper.

has been received by him requiring him to call a meeting of the ratepayers for the purpose of passing a resolution that it is expedient that a school board should be formed for the said parish, and that a meeting of the ratepayers will accordingly be held at some convenient time and place (to be specified in such notice), for the purpose of considering such resolution.

3. Every person who, at the time of the meeting, is entitled to vote in the election of members of a school board for the parish, shall be entitled to be present and to vote at such meeting, and every such ratepayer shall have one vote only.

4. At the time and place so specified, some person chosen at the meeting shall take the chair, and any such ratepayer as aforesaid may propose such resolution as aforesaid, to be seconded by some other such ratepayer as aforesaid.

5. If no such resolution is proposed and seconded at the time and place aforesaid, or if the same is withdrawn or negatived, the chairman shall declare the resolution to have been negatived, and shall publish notice thereof. The resolution may at any time, before the taking of the poll, be withdrawn by the two ratepayers who proposed and seconded the same; and in such case no further proceedings shall be taken in respect of the poll.

6. If the resolution, duly proposed and seconded, is carried, and no demand for a poll is made, the chairman shall declare the resolution to have been passed, and shall publish notice thereof.

7. Any ten of such ratepayers as aforesaid may make demand in writing, to be delivered to the said chairman at the meeting, that a poll be taken on such resolution, and the same shall be taken, unless the major part of such ratepayers so signing the writing withdraw the same by notice in writing to the chairman at the meeting or to the summoning officer after the meeting, who shall publish notice thereof.

8. If a poll be taken the summoning officer shall fix the day of taking the poll, which shall be not less than ten clear days after the day fixed for such meeting as aforesaid, and the said officer shall publish notice thereof.

9. The summoning officer shall determine the number and situation of the polling stations, and for this purpose may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts, and the number and situation of the polling stations, to be published not less than *three* clear days before the day fixed for the polling.

RESOLUTIONS FOR SCHOOL BOARDS—PARISHES. 279

REGULATIONS AS TO PASSING RESOLUTIONS FOR APPLICATION FOR SCHOOL BOARDS AND THE FIRST ELECTIONS OF SCHOOL BOARDS IN PARISHES.

At the Council Chamber, Whitehall, the 3rd day of October, 1873.

By the Lords of the Committee of the Privy Council on Education.

I. Their Lordships read and approved the following :

General Regulations as to passing Resolutions "for application for School Boards" in Parishes not situate within Municipal Boroughs or within the Metropolis.

WHEREAS by the 12th section of the Elementary Education Act, 1870, application may be made to the education department, in certain cases, for leave to form a school board.

And whereas such application must be made by a resolution passed in accordance with the provisions of the second part of the second schedule to the said Act.

And whereas the passing of such resolution must be in accordance with such regulations as the education department may by order prescribe.

Now, therefore, the lords of the committee of council on education, by virtue and in exercise of the powers in them vested under the Elementary Education Acts, 1870 and 1873, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows :

The following regulations as to passing any such resolution as aforesaid shall be observed in any parish not situate within a municipal borough, or within the metropolis :—

1. Upon requisition in writing, signed by fifty ratepayers, entitled to vote in pursuance of the Elementary Education Act, 1873, or by one-third of the persons who are ratepayers of any parish, and so entitled to vote, the summoning officer shall, within 14 clear days after receiving such requisition, convene a meeting of such ratepayers as aforesaid, for the purpose of considering such resolution as hereinafter mentioned.

The summoning officer shall be the clerk of the union of which any parish forms part, or the person for the time being discharging the duties of such clerk.

2. Seven clear days, at least, before the day of the meeting, the summoning officer shall publish a notice, stating that a requisition

has been received by him requiring him to call a meeting of the ratepayers for the purpose of passing a resolution that it is expedient that a school board should be formed for the said parish, and that a meeting of the ratepayers will accordingly be held at some convenient time and place (to be specified in such notice), for the purpose of considering such resolution.

3. Every person who, at the time of the meeting, is entitled to vote in the election of members of a school board for the parish, shall be entitled to be present and to vote at such meeting, and every such ratepayer shall have one vote only.

4. At the time and place so specified, some person chosen at the meeting shall take the chair, and any such ratepayer as aforesaid may propose such resolution as aforesaid, to be seconded by some other such ratepayer as aforesaid.

5. If no such resolution is proposed and seconded at the time and place aforesaid, or if the same is withdrawn or negatived, the chairman shall declare the resolution to have been negatived, and shall publish notice thereof. The resolution may at any time, before the taking of the poll, be withdrawn by the two ratepayers who proposed and seconded the same; and in such case no further proceedings shall be taken in respect of the poll.

6. If the resolution, duly proposed and seconded, is carried, and no demand for a poll is made, the chairman shall declare the resolution to have been passed, and shall publish notice thereof.

7. Any ten of such ratepayers as aforesaid may make demand in writing, to be delivered to the said chairman at the meeting, that a poll be taken on such resolution, and the same shall be taken, unless the major part of such ratepayers so signing the writing withdraw the same by notice in writing to the chairman at the meeting or to the summoning officer after the meeting, who shall publish notice thereof.

8. If a poll be taken the summoning officer shall fix the day of taking the poll, which shall be not less than ten clear days after the day fixed for such meeting as aforesaid, and the said officer shall publish notice thereof.

9. The summoning officer shall determine the number and situation of the polling stations, and for this purpose may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts, and the number and situation of the polling stations, to be published not less than *three* clear days before the day fixed for the polling.

RESOLUTIONS FOR SCHOOL BOARDS—PARISHES. 281

The summoning officer shall provide everything which in the case of a municipal election is required to be provided by the mayor for the purpose of a poll.

No public-house shall be used as a polling-place.

10. If the parish is divided into polling districts, each voter shall give his vote in the polling district in which the property in respect of which he is entitled to vote is situate, and if such property is situate in more than one district, in any one of the districts in which it is situate.

11. The summoning officer or some person or persons appointed by him shall preside at each polling station, provided that only one person shall preside at the same time.

12. The poll shall commence at such an hour not earlier than 8 a.m., and close at such an hour not later than 8 p.m., as shall be fixed by the summoning officer, but the poll shall be open for seven hours and no more.

13. Subject to the provisions of this order, the poll shall be conducted in like manner, so far as circumstances admit, as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted; and subject, as aforesaid, the provisions of that Act shall apply to the voting for or against the resolution, Provided that :

- (a.) The ballot paper shall be in the form annexed to this order, and the cross indicating assent to, or dissent from, the resolution, shall be placed opposite the word "For," or the word "Against," as the case may be, and the form of directions, for the guidance of the voter in voting, shall be altered accordingly.
- (b.) Every voter shall be entitled to one vote.
- (c.) The "returning officer" shall mean the summoning officer hereinbefore mentioned.
- (d.) The expression "register of voters" means the book containing the last rate made for the parish, more than one month previously to the date of the requisition hereinbefore mentioned.
- (e.) The provisions of sects. 3, 4, 11, and 24 of the Ballot Act, 1872, shall be deemed to be regulations contained in this order, which involve a penalty within the meaning of sect. 90 of the Elementary Education Act, 1870.

With regard to this article, see *Reg. v. Sankey*, 47 L. J. M. C. 96, L. R. 3, Q. B. D. 379.

14. The persons presiding at the poll may, and if required by any two voters shall, put to any voter at the time of his applying

for a ballot paper, but not afterwards, the following questions, or one of them, but no other—

(1.) Are you the person whose name appears as *A. B.* in the book containing the rate made on the day of and rated therein for the property described as
(*Specify date and property in rate book.*)

(2.) Have you already voted on this occasion ?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

15. Any two persons on behalf of the supporters and any two persons on behalf of the opponents of the resolution may be present at each polling-station and at the counting of the votes.

If any dispute arises as to the persons who should be present, the summoning officer shall appoint two persons from among such supporters, and two persons from among such opponents, and his decision shall be final.

16. In case of an equality of votes the resolution shall be deemed to be rejected.

17. The result of the poll shall be published by the summoning officer.

18. The summoning officer shall keep the ballot papers and all other documents connected with the poll for six months subject to the directions of the education department, and shall then, unless otherwise ordered by the said department, cause them to be destroyed.

19. Notices and other matters directed by this order to be published, shall be published in like manner as public notices are usually published in the parish to which they relate.

20. The summoning officer shall be entitled to such reasonable expenses as may have been incurred by him, and to a reasonable remuneration for his services, to be paid by the overseers. Provided that if any question should arise between the said officer and the overseers as to such expenses or remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Words used in this order shall, so far as is consistent with the context, have the same meaning as the same words used in the Elementary Education Acts, 1870, 1873.

RESOLUTIONS FOR SCHOOL BOARDS—PARISHES. 2

Form of Ballot Paper.

Counterfoil. No.	Are you for or against a School Board?	
NOTE.—The counterfoil is to have a number to correspond with that at the back of the Ballot Paper.	For	(Place for cross)
	Against	(Place for cross)

Form of back of Ballot Paper.

No.

NOTE.—The number on the Ballot Paper is to correspond with that on the counterfoil.

It will be observed that the following regulation, No. II., relates to the cases covered by section 11 of the Elementary Education Amendment Act, 1873, when it is desired to have a school board for several parishes, united into one school district. In this case the requisition must be presented as a resolution, such as that described in paragraph 2 of No. I. must be passed by the ratepayers of each of the parishes which it is proposed to unite.

II. Their lordships also read and approved the following—General regulations as to passing resolutions “for application for School Boards” in parishes proposed to be united and not situated within municipal boroughs, or within the metropolis.

WHEREAS by the 12th section of the Elementary Education Act, 1870, and the 11th section of the Elementary Education Amendment Act, 1873, application may be made to the education department, in certain cases, for leave to form a school board.

And whereas such application must be made by a resolution passed in accordance with the provisions of the said 11th section and the second part of the second schedule to the Elementary Education Act, 1870.

And whereas the passing of such resolution must be in accordance with such regulations as the education department may order prescribe.

Now, therefore, the lords of the committee of council on education, by virtue and in exercise of the powers in them vested under the Elementary Education Acts, 1870 and 1873, and of every

other power enabling them in this behalf, do order, and it is hereby ordered as follows :—

The following regulations as to passing any such resolution as aforesaid shall be observed in any parish not situate within a municipal borough, or within the metropolis :—

1. Upon requisition in writing, signed by fifty ratepayers entitled to vote in pursuance of the Elementary Education Act, 1873, or by one-third of the persons who are ratepayers of any parish and so entitled to vote, the summoning officer shall, within 14 clear days after receiving such requisition, convene a meeting of such ratepayers as aforesaid, for the purpose of considering such resolution as hereinafter mentioned.

The summoning officer shall be the clerk of the union of which any parish forms part, or the person for the time being discharging the duties of such clerk.

2. *Seven* clear days, at least, before the day of the meeting, the summoning officer shall publish a notice stating that a requisition has been received by him requiring him to call a meeting of the ratepayers of the parish of (*name it*) for the purpose of passing a resolution that it is expedient that a school board should be formed for the united parishes of (*name them*) and that the said parishes should be united accordingly, and that a meeting of the ratepayers of the parish of will, accordingly, be held at some convenient time and place (to be specified in such notice), for the purpose of considering such resolution.

3. Every person, who at the time of the meeting, is entitled to vote in the election of members of a school board for the parish, shall be entitled to be present and to vote at such meeting, and every such ratepayer shall have one vote only.

4. At the time and place so specified, some person chosen at the meeting shall take the chair, and any such ratepayer, as aforesaid, may propose such resolution as aforesaid, to be seconded by some other such ratepayer as aforesaid.

5. If no such resolution is proposed and seconded at the time and place aforesaid, or if the same is withdrawn or negatived, the chairman shall declare the resolution to have been negatived, and shall publish notice thereof. The resolution may at any time, before the taking of the poll, be withdrawn by the two ratepayers who proposed and seconded the same; and, in such case, no further proceedings shall be taken in respect of the poll.

6. If the resolution, duly proposed and seconded, is carried, and no demand for a poll is made, the chairman shall declare the resolution to have been passed, and shall publish notice thereof.

7. Any ten of such ratepayers as aforesaid may make demand in writing, to be delivered to the said chairman at the meeting, that a poll be taken on such resolution, and the same shall be taken, unless the major part of such ratepayers so signing the writing withdraw the same by notice in writing to the chairman at the meeting or to the summoning officer after the meeting, who shall publish notice thereof.

8. If a poll be taken the summoning officer shall fix the day of taking the poll, which shall be not less than *ten* clear days after the day fixed for such meeting as aforesaid, and the said officer shall publish notice thereof.

9. The summoning officer shall determine the number and situation of the polling stations, and for this purpose may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts and the number and situation of the polling stations to be published not less than *three* clear days before the day fixed for the polling.

The summoning officer shall provide everything which in the case of a municipal election is required to be provided by the mayor for the purpose of a poll.

No public-house shall be used as a polling-place.

10. If the parish is divided into polling districts, each voter shall give his vote in the polling district in which the property in respect of which he is entitled to vote is situate, and if such property is situate in more than one district, in any one of the districts in which it is situate.

11. The summoning officer or some person or persons appointed by him shall preside at each polling station, provided that only one person shall preside at the same time.

12. The poll shall commence at such hour not earlier than 8 a.m., and close at such an hour not later than 8 p.m., as shall be fixed by the summoning officer, but the poll shall be open for seven hours and no more.

13. Subject to the provisions of this order, the poll shall be conducted in like manner, so far as circumstances admit, as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted ; and subject as aforesaid, the provisions of that Act shall apply to the voting for or against the resolution : provided that,—

(a.) The ballot paper shall be in the form annexed to this order, and the cross indicating assent to or dissent from, the resolution, shall be placed opposite the word "For," or the word "Against," as the case may be, and the

form of directions, for the guidance of the voter in voting, shall be altered accordingly.

(b.) Every voter shall be entitled to one vote.

c.) The "returning officer" shall mean the summoning officer hereinbefore mentioned.

(d.) The expression "register of voters" means the book containing the last rate made for the parish, more than one month previously to the date of the requisition hereinbefore mentioned.

(e.) The provisions of sects. 3, 4, 11, and 24 of the Ballot Act, 1872, shall be deemed to be regulations contained in this order which involve a penalty within the meaning of sect. 90 of the Elementary Education Act, 1870.

14. The person presiding at the poll may, and if required by any two voters shall, put to any voter at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them, but no other —

(1.) Are you the person whose name appears as *A. B.* in the book containing the rate made on the day of , and rated therein for the property described as (*Specify date and property in rate book.*)

(2.) Have you already voted on this occasion?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

15. Any two persons on behalf of the supporters and any two persons on behalf of the opponents of the resolution may be present at each polling station and at the counting of the votes.

If any dispute arises as to the persons who should be present, the summoning officer shall appoint two persons from among such supporters and two persons from among such opponents, and his decision shall be final.

16. In case of an equality of votes the resolution shall be deemed to be rejected.

17. The result of the poll shall be published by the summoning officer.

18. The summoning officer shall keep the ballot papers and all other documents connected with the poll for six months subject to the directions of the education department, and shall then, unless otherwise ordered by the said department, cause them to be destroyed.

19. Notices and other matters directed by this order to be published, shall be published in like manner as public notices are usually published in the parish to which they relate.

FIRST ELECTIONS OF SCHOOL BOARDS — PARISHES. 287

20. The summoning officer shall be entitled to such reasonable expenses as may have been incurred by him, and to a reasonable remuneration for his services, to be paid by the overseers. Provided that if any question should arise between the said officer and the overseers as to such expenses or remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Words used in this order shall, so far as is consistent with the context, have the same meaning as the same words used in the Elementary Education Acts, 1870, 1873.

Form of Ballot Paper.

Counterfoil No.	Are you for or against a School Board for the united Parishes of (<i>name them</i>).
NOTE.—The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.	For (Place for cross).
	Against (Place for cross).

Form of back of Ballot Paper.

No.

NOTE.—The number on the Ballot Paper is to correspond with that on the counterfoil.

III.—Their Lordships also read, and approved, the following—
General Regulations for the First election of School Boards in Parishes not situate within Municipal Boroughs, or within the Metropolis.

1. The number of members of the school board of a parish shall be *from five to fifteen, as may be determined in each case by the education department.*

2. The returning officer shall be the clerk of the union of which the parish forms part, or the person for the time being discharging the duties of such clerk.

3. The first election of members of a school board shall be held on some day, to be fixed by the returning officer, and within 28 clear days after the date of the requisition to elect a school board, *which will be sent to the returning officer.*

4. *Fourteen* clear days at least before the day fixed for the election, the returning officer shall prepare, sign and publish, such notice of the election as is hereinafter prescribed.

5. The notice shall specify the number of members to be elected, the day fixed for the election, and a place for the reception of the nomination papers hereinafter mentioned.

The notice shall be in the form annexed to this order, or to the like effect.

6. After publication of the notice, but not less than *ten* clear days before the day fixed for the election, any two persons who are ratepayers of the parish, and entitled to vote in the election of members of the school board for the parish, may nominate as a candidate any one person of full age, by sending to, or delivering at, the appointed place, a nomination paper, subscribed by such two persons as aforesaid, and stating the christian name and surname, with the place of abode and description of each subscriber, and of the candidate nominated; and the returning officer shall send, forthwith, notice of such nomination to each candidate. A ratepayer shall not join more than once in nominating a candidate in the election.

7. No nomination paper shall be received after four o'clock in the afternoon of the last day upon which such paper may be received, and no person shall be a candidate unless he has been nominated within the time and in the manner aforesaid.

The returning officer shall have power to decide whether any nomination is valid, and his decision shall be final.

8. *Eight* clear days at least before the day fixed for the election public notice shall be given of the names, places of abode, and descriptions of the several candidates nominated as aforesaid.

9. After delivery of a nomination paper, but not less than *six* clear days before the day fixed for the election, any candidate may be withdrawn by delivering at the place appointed, a notice of such withdrawal, addressed to the returning officer, and signed by the candidate.

Such notice shall not be delivered later than four o'clock in the afternoon.

10. If no more persons are nominated as aforesaid than there are members to be elected, such persons shall be deemed to be elected on the day fixed for the election, and the returning officer shall, on the said day, publish a list of the names, with the places of abode and descriptions, of the persons so elected, and such publication shall be conclusive evidence of the election.

The returning officer shall forthwith transmit a copy of such list to the education department.

11. If after the time hereinbefore limited for the withdrawal of any candidate more persons remain as candidates than there are members to be elected, the returning officer shall forthwith publish the names, places of abode and descriptions of the several candidates, and give notice that a poll will be taken on the day fixed for the election, between the hours specified in such notice.

12. The returning officer shall determine the number and situation of the polling stations, and, for the purposes of this election, may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts, and the number and situation of the polling stations, to be published not less than *three* clear days before the day fixed for the election.

No public-house shall be used for a polling station, or for the purposes of an election.

13. If the parish is divided into polling districts, each voter shall give his vote in the polling district in which the property in respect of which he is entitled to vote is situate, and if it is situate in more than one polling district, he shall vote in any one of the polling districts in which it is situate.

14. The returning officer, or some person or persons appointed by him for this purpose, shall preside at each polling station, provided that only one person shall preside at the same time.

15. The poll shall commence at such an hour, not earlier than 8 a.m., and close at such an hour, not later than 8 p.m., as shall be fixed by the returning officer, but the poll shall be open for seven hours and no longer.

16. Subject to the provisions of this order, the poll shall be conducted in like manner as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted; and subject as aforesaid, the provisions of that Act shall apply to the election in like manner as if they were contained in this order, with the substitution of the term "schoolboard election" for the term "municipal election:" provided that—

(a.) Every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit.

(b.) The voter may place against the name of any candidate for whom he votes the number of votes he gives to such candidate in lieu of a cross, and the form of directions for the guidance of the voter in voting, contained in the Ballot Act, 1872, shall be altered accordingly.

- (c.) The provisions of sects. 3, 4, 11, and 24 of the Ballot Act, 1872, shall be deemed to be regulations contained in this order, which involve a penalty within the meaning of sect. 90 of the Elementary Education Act, 1870.

17. The person presiding at the poll may, and if required by any two voters shall, put to any voter at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them, but no other :—

- (1.) Are you the person whose name appears as *A. B.* in the book containing the rate made on the day of , and rated therein for the property described as (*Specify date and property in rate book.*)

- (2.) Have you already voted at the present election?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

18. In case of an equality of votes, the returning officer shall determine by lot the persons to be elected.

The election shall be deemed to have taken place on the day fixed for the election.

19. The returning officer shall publish notice of the result of the poll and of the names of the persons elected. He shall also forthwith transmit a copy of such notice to the education department, and shall keep the ballot papers for six months, subject to the directions of the education department,

20. The expenses of the election and of taking the poll and the remuneration to the returning officer and his assistants (if any) shall be paid by the school board out of the school fund : Provided that if any question shall arise between the returning officer and the school board as to such expenses or remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Notices and other matters required by these regulations to be published, shall be published in like manner as public notices are usually published in the parishes to which they relate.

F. R. SANDFORD,

Secretary.

FIRST ELECTION OF SCHOOL BOARDS—PARISHES. 291

Form of Notice.

Parish of

ELECTION OF A SCHOOL BOARD.

Notice is hereby given—

1. That the election of a school board for this parish will take place on the day of , 187 .

2. That the number of persons to be elected as members of the school board is .

3. That any two ratepayers entitled to vote in this election may nominate any one person of full age, but no more, as a candidate, by sending to or delivering at (*office or place to be specified*) a nomination paper.

A ratepayer may not join more than once in nominating a candidate in the election.

The nomination paper must be dated and subscribed by the two ratepayers, and must contain the christian names, surnames, places of abode, and descriptions of the subscribers, and of the candidate nominated.

No nomination paper will be received after four o'clock in the afternoon of the day of .

4. That public notice will be given of the list of candidates on or before the day of .

That any candidate may be withdrawn by delivering at (*office or place to be specified*), not later than four o'clock in the afternoon of the day of , a notice of withdrawal signed by the candidate and addressed to the returning officer.

5. Notice of the boundaries of the polling districts and of the number and situation of the polling stations will be published on or before the day of .

Each voter must vote in the polling district in which the property in respect of which he is rated is situated, and if it situated in more than one polling-district, in any one of such polling districts.

6. That the poll will be open from a.m. till p.m.

7. Every ratepayer of the parish, whose name appears in the book containing the rate made on the day of , is entitled to vote in the election. Paragraph I. (c.) of the second schedule to the Elementary Education Act, 1873, provides that "in a parish which is not situate in the city of London or in a borough, other than the borough of Oxford, the book containing the last rate made for such parish more than one month previously

to any date shall be the register of the ratepayers entitled to vote in such parish at that date ; and every ratepayer whose name appears in such rate book shall be entitled to vote unless he is disqualified for voting, and no person shall be entitled to vote whose name does not so appear.

8. The voting shall be by ballot.

9. That in this parish each voter has _____ votes, all of which he may give to one candidate, or he may distribute all or some of them among the candidates as he thinks fit.

Dated this _____ day of _____ 187 .

Returning Officer.

(State office or address.)

REGULATIONS AS TO TRIENNIAL ELECTIONS IN PARISHES.

At the Council Chamber, Whitehall, the 3rd day of
October, 1873.

By the Lords of the Committee of the Privy Council on Education.

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the said Acts, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows :

With respect to the triennial election of a school board in a parish :—

1. The number of members of the school board for a parish, is the number determined in the first instance by the education department, or thereafter by the resolution in force for the time being, which has been duly passed by the school board and approved by the said department.

2. The returning officer shall be the clerk of the union of which the parish forms part, or the person for the time being discharging the duties of such clerk.

3. The members of every school board shall hold office for three years, and the day for the triennial retirement of members shall be the same day of the year as that which was fixed for the first election of the school board.

The election of members of a school board to fill up the vacancies to be caused by every such retirement, shall be held upon some convenient day to be fixed by the returning officer in the notice to be issued by him in pursuance of this order, provided

that such day of election shall be not more than fourteen clear days, and not less than four clear days before the day hereinbefore fixed for such retirement.

4. *Fourteen* clear days at least before the day fixed for the triennial election, the returning officer shall prepare, sign, and publish, such notice of the election as is hereinafter prescribed.

5. The notice shall specify the number of members to be elected, with the day fixed for the triennial election ; and shall also specify a place for the reception of the nomination papers hereinafter mentioned.

The notice shall be in the form annexed to this order, or to the like effect.

6. After publication of the notice, but not less than *ten* clear days before the day fixed for the triennial election, any two persons who are ratepayers of the parish and entitled to vote in the election of members of the school board for the parish may nominate as a candidate, any one person, of full age, by sending to, or delivering at, the appointed place, a nomination paper subscribed by such two persons as aforesaid, and stating the christian name and surname, with the place of abode and description of each subscriber, and of the candidate nominated ; and the returning officer shall send, forthwith, notice of such nomination to each candidate. A ratepayer shall not join more than once in nominating a candidate in the election.

7. No nomination paper shall be received after four o'clock in the afternoon of the last day upon which such paper may be received, and no person shall be a candidate unless he has been nominated within the time and in the manner aforesaid.

The returning officer shall have power to decide whether any nomination is valid, and this decision shall be final.

8. *Eight* clear days at least before the day fixed for the election public notice shall be given of the names, places of abode, and descriptions of the several candidates nominated as aforesaid.

9. After delivery of a nomination paper, but not less than *six* clear days before the day fixed for the election, any candidate may be withdrawn by delivering at the place appointed, a notice of such withdrawal, addressed to the returning officer, and signed by the candidate.

Such notice shall not be delivered later than four o'clock in the afternoon.

10. If no more persons are nominated, as aforesaid, than there are members to be elected, such person shall be deemed to be

elected on the day fixed for the election, and the returning officer shall, on the said day, publish a list of the names, with the places of abode, and descriptions of the persons so elected, and such publication shall, be conclusive evidence of the election.

The returning officer shall forthwith transmit a copy of such list to the education department.

11. If after the time hereinbefore limited for the withdrawal of any candidate more persons remain as candidates than there are members to be elected, the returning officer shall forthwith publish the names, places of abode, and descriptions of the several candidates, and give notice that a poll will be taken on the day fixed for the election between the hours specified in such notice.

12. The returning officer shall determine the number and situation of the polling stations, and, for the purposes of this election, may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts, and the number and situation of the polling stations, to be published not less than *three* clear days before the day fixed for the election.

No public house shall be used for a polling station, or for the purposes of an election.

13. If the parish is divided into polling districts, each voter shall give his vote in the polling district in which the property in respect of which he is entitled to vote is situate, and if it is situate in more than one polling district, he shall vote in any one of the polling districts in which it is situate.

14. The returning officer, or some person or persons appointed by him for this purpose, shall preside at each polling station, provided that only one person shall preside at the same time.

15. The poll shall commence at such an hour, not earlier than 8 a.m., and close at such an hour, not later than 8 p.m., as shall be fixed by the returning officer, but the poll shall be open for seven hours and no longer.

16. Subject to the provisions of this order, the poll shall be conducted in like manner as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted; and, subject as aforesaid, the provisions of that Act shall apply to the election in like manner as if they were contained in this order, with the substitution of the term "school board election" for the term "municipal election:" provided that,—

(a.) Every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate

or may distribute them among the candidates as he thinks fit.

(b.) The voter may place against the name of any candidate for whom he votes the number of votes he gives to such candidate in lieu of a cross, and the form of directions for the guidance of the voter in voting, contained in the Ballot Act, 1872, shall be altered accordingly.

(c.) The provisions of sects. 3, 4, 11, and 24 of the Ballot Act, 1872, shall be deemed to be regulations contained in this order, which involve a penalty within the meaning of sect. 90 of the Elementary Education Act, 1870.

17. The person presiding at the poll may, and if required by any two voters shall, put to any voter at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them, but no other :—

(1.) Are you the person whose name appears as *A. B.* in the book containing the rate made on the day of , and rated therein for the property described as (*Specify date and property in rate book*).

(2.) Have you already voted at the present election ?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

18. In case of an equality of votes the returning officer shall determine by lot the persons to be elected.

The election shall be deemed to have taken place on the day fixed for the election.

19. The returning officer shall publish notice of the result of the poll and of the names of the persons elected. He shall also forthwith transmit a copy of such notice to the education department, and shall keep the ballot papers for six months, subject to the directions of the education department.

20. The expenses of the election and of taking the poll, and the remuneration to the returning officer and his assistants (if any), shall be paid by the school board out of the school fund : Provided, that if any questions shall arise between the returning officer and the school board as to such expenses of remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Notices and other matters required by these regulations to be published, shall be published in like manner as public notices are usually published in the parishes to which they relate.

F. R. SANDFORD,

Secretary.

Form of Notice.

Parish of .

TRIENNIAL ELECTION OF A SCHOOL BOARD IN A PARISH.

Notice is hereby given—

1. That the election of a school board for this parish will take place on the day of , 187 .

2. That the number of persons to be elected as members of the school board is .

3. That any two ratepayers entitled to vote in this election may nominate any one person of full age, but no more, as a candidate, by sending to or delivering at (*office or place to be specified*) a nomination paper.

A ratepayer may not join more than once in nominating a candidate in the election.

The nomination paper must be dated and subscribed by the two ratepayers, and must contain the christian names, surnames, places of abode, and descriptions of the subscribers, and of the candidate nominated.

No nomination paper will be received after four o'clock in the afternoon of the day of .

4. That public notice will be given of the list of candidates on or before the day of .

That any candidate may be withdrawn by delivering at (*office or place to be specified*), not later than four o'clock in the afternoon of the day of , a notice of withdrawal signed by the candidate and addressed to the returning officer.

5. Notice of the boundaries of the polling districts, and of the number and situation of the polling stations, will be published on or before the day of .

Each voter must vote in the polling district in which the property in respect of which he is rated is situate, and if it is situate in more than one polling district, in any one of such polling districts.

6. That the poll will be open from a.m. till p.m.

7. Every ratepayer of the parish, whose name appears in the book containing the rate made on the day of , is entitled to vote in the election. Paragraph I. (c) of the second schedule to the Elementary Education Act, 1873, provides that "in a parish which is not situate in the city of London or in a borough, other than the borough of Oxford, the book containing the last rate made

for such parish more than one month previously to any date shall be the register of the ratepayers entitled to vote in such parish at that date ; and every ratepayer whose name appears in such rate book shall be entitled to vote unless he is disqualified for voting, and no person shall be entitled to vote whose name does not so appear.

8. The voting shall be by ballot.

9. That in this parish each voter has votes, all of which he may give to one candidate, or he may distribute all or some of them among the candidates as he thinks fit.

Dated this day of 187 .

Returning officer.

(State office or address.)

REGULATIONS AS TO ELECTION FOR FILLING UP CASUAL VACANCIES IN A SCHOOL BOARD IN A PARISH.

At the Council Chamber, Whitehall, the 17th day of November,
1873.

By the Lords of the Committee of the Privy Council on Education.

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Acts, 1870 and 1873, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows :

With respect to the annual election of members, to fill up casual vacancies in the school board of a parish :

1. The number of persons to be elected to fill up such vacancies in the school board for a parish shall be the number certified by the education department.

2. The returning officer shall be the clerk of the union of which the parish forms part, or the person for the time being discharging the duties of such clerk.

3. An election to fill up such vacancies shall be held once in every year upon some convenient day to be fixed by the returning officer in the notice to be issued by him in pursuance of this order, provided that such day of election shall be not more than *fourteen* clear days, and not less than *four* clear days before the day fixed for the first election of the school board.

4. *Fourteen* clear days at least before the day fixed for the election, the returning officer shall prepare, sign, and publish such notice of the election as is hereinafter prescribed.

5. The notice shall specify the number of members to be elected, the day fixed for the election, and a place for the reception of the nomination papers hereinafter mentioned.

The notice shall be in the form annexed to this order, or to the like effect.

6. After publication of the notice, but not less than *ten* clear days before the day fixed for the election, any two persons who are ratepayers of the parish and entitled to vote in the election of members of the school board for the parish may nominate as a candidate, any one person, of full age, by sending to, or delivering at, the appointed place, a nomination paper, subscribed by such two persons as aforesaid, and stating the christian name and surname, with the place of abode and description of each subscriber, and of the candidate nominated ; and the returning officer shall send forthwith notice of such nomination to each candidate. A ratepayer shall not join more than once in nominating a candidate in the election.

7. No nomination paper shall be received after four o'clock in the afternoon of the last day upon which such paper may be received, and no person shall be a candidate unless he has been nominated within the time and in the manner aforesaid.

The returning officer shall have power to decide whether any nomination is valid, and his decision shall be final.

8. *Eight* clear days at least before the day fixed for the election public notice shall be given of the names, places of abode, and descriptions of the several candidates nominated as aforesaid.

9. After delivery of a nomination paper, but not less than *six* clear days before the day fixed for the election, any candidate may be withdrawn by delivering, at the place appointed, a notice of such withdrawal, addressed to the returning officer, and signed by the candidate.

Such notice shall not be delivered later than 4 o'clock in the afternoon.

10. If no more persons are nominated as aforesaid than there are members to be elected, such person or persons shall be deemed to be elected on the day fixed for the election, and the returning officer shall, on the said day, publish a list of the names, with the places of abode, and descriptions of the persons so elected, and such publication shall be conclusive evidence of the election.

The returning officer shall forthwith transmit a copy of such list to the education department.

11. If after the time hereinbefore limited for the withdrawal of any candidate more persons remain as candidates than there are members to be elected, the returning officer shall forthwith publish the names, places of abode, and descriptions of the several candidates, and give notice that a poll will be taken on the day fixed for the election, between the hours specified in such notice.

12. The returning officer shall determine the number and situation of the polling stations, and, for the purposes of this election, may cause any parish to be divided into polling districts. The said officer shall cause the boundaries of such districts, and the number and situation of the polling stations, to be published not less than *three* clear days before the day fixed for the election.

No public-house shall be used for a polling station or for the purposes of an election.

13. If the parish is divided into polling districts, each voter shall give his vote in the polling district in which the property in respect of which he is entitled to vote is situate, and if it is situate in more than one polling district, he shall vote in any one of the polling districts in which it is situate.

14. The returning officer, or some person or persons appointed by him for this purpose, shall preside at each polling station, provided that only one person shall preside at the same time.

15. The poll shall commence at such an hour, not earlier than 8 a.m., and close at such an hour, not later than 8 p.m., as shall be fixed by the returning officer, but the poll shall be open for seven hours and no longer.

16. Subject to the provisions of this order, the poll shall be conducted in like manner as a poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted ; and subject as aforesaid, the provisions of that Act shall apply to the election in like manner as if they were contained in this order, with the substitution of the term "school board election" for the term "municipal election ;" Provided that—

(a) Every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit.

(b) The voter may place against the name of any candidate for whom he votes the number of votes he gives to such candidate in lieu of a cross, and the form of directions for the guidance of the voter in voting contained in the Ballot Act, 1872, shall be altered accordingly.

- (c) The provisions of sects. 3, 4, 11, and 24 of the Ballot Act, 1872, shall be deemed to be regulations contained in this order, which involve a penalty within the meaning of sect. 90 of the Elementary Education Act, 1870.

17. The person presiding at the poll may, and if required by any two voters, shall, put to any voter at the time of his applying for a ballot paper, but not afterwards, the following questions, or one of them, but no other :

- (1.) Are you the person whose name appears as *A. B.* in the book containing the rate made on the _____ day of _____, and rated therein for the property described as _____. (*Specify date and property in rate book.*)

- (2.) Have you already voted at the present election ?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he has answered the same.

18. In case of an equality of votes, the returning officer shall determine by lot the person or persons to be elected.

The election shall be deemed to have taken place on the day fixed for the election.

19. The returning officer shall publish notice of the result of the poll and of the name or names of the person or persons elected. He shall also forthwith transmit a copy of such notice to the education department, and shall keep the ballot papers for six months.

20. The expenses of the election and of taking the poll, and the remuneration to the returning officer and his assistants (if any), shall be paid by the school board out of the school fund. Provided, that if any question shall arise between the returning officer and the school board as to such expenses or remuneration, such question shall be referred to the education department, whose decision thereon shall be final and conclusive.

21. Notices and other matters required by these regulations to be published, shall be published in like manner as public notices are usually published in the parishes to which they relate.

F. R. SANDFORD,

Secretary.

Form of Notice.

Parish of .

ELECTION OF A MEMBER (OR MEMBERS) TO FILL A VACANCY (OR VACANCIES) IN A SCHOOL BOARD IN A PARISH.

Notice is hereby given,—

1. That the election of a member (or members) to fill the vacancy (or vacancies) which has (or have) occurred in the school board for this parish will take place on the day of 187 .

2. That the number of persons to be elected as members to fill vacancies in the school board is .

3. That any two ratepayers entitled to vote in this election may nominate any one person of full age, but no more, as a candidate, by sending to or delivering at (*office or place to be specified*) a nomination paper.

A ratepayer may not join more than once in nominating a candidate in the election.

The nomination paper must be dated and subscribed by the two ratepayers, and must contain the christian names, surnames, places of abode, and descriptions of the subscribers and of the candidate nominated.

No nomination paper will be received after 4 o'clock in the afternoon of the day of .

4. That public notice will be given of the list of candidates on or before the day of .

That any candidate may be withdrawn by delivering at (*office or place to be specified*), not later than 4 o'clock in the afternoon of the day of , a notice of withdrawal, signed by the candidate and addressed to the returning officer.

5. Notice of the boundaries of the polling districts, and of the number and situation of the polling stations, will be published on or before the day of .

Each voter must vote in the polling district in which the property in respect of which he is rated is situate, and if it is situate in more than one polling district, in any one of such polling districts.

6. That the poll will be open from a.m. till p.m.

7. Every ratepayer of the parish, whose name appears in the book containing the rate made on the day of , is entitled to vote in the election. Paragraph I. (c) of the second schedule to the Elementary Education Act, 1873, provides that

in a parish which is not situate in the city of London, or in a borough other than the borough of Oxford, the book containing the last rate made for such parish more than one month previously to any date shall be the register of the ratepayers entitled to vote in such parish at that date; and every ratepayer whose name appears in such rate book shall be entitled to vote unless he is disqualified for voting, and no person shall be entitled to vote whose name does not so appear.

8. The voting shall be by ballot.

9. That in this election each voter has one vote; or (*if more than one vacancy has to be filled up*) [that in this election each voter has votes, all of which he may give to one candidate, or he may distribute all or some of them among the candidates as he thinks fit.]

Dated this day of 187 .

Returning officer.

(State office or address.)

ELECTIONS OF SCHOOL BOARDS IN UNITED DISTRICTS.

REGULATIONS AS TO ELECTIONS FOR CASUAL VACANCIES IN UNITED DISTRICTS.

At the Council Chamber, Whitehall, on the 24th of November,
1873.

The Lords of the Committee of the Privy Council on Education made a general order regulating the election for filling up casual vacancies in a school board in a united school district.

Article 2 of the order provides that "the returning officer shall be the clerk of the union of which a parish in the united district (to be selected by the education department) forms part, or the person for the time being discharging the duties of such clerk."

Article 17 requires, with regard to the question which may be put to the voter at the time of his applying for a ballot paper, as to his being the person whose name appears in the rate book, that the question shall be as follows:

- (1.) Are you the person whose name appears as *A. B.* in the book containing the rate made for the parish of
(*name it*) on the day of , and rated
therein for the property described as .
(Specify date and property in rate book.)

Article 19 provides that the returning officer shall keep the ballot papers for six months, "*subject to the directions of the education department.*"

The form of notice of the election is modified to meet the case when the dates on which rates were made vary in the parishes included in the united district, and requires that the notice shall specify in respect of each parish the date of the rate which qualifies persons to vote.

In all other particulars, with the exception of "united district" being substituted for "parish," the regulations are the same as those applicable to the election for filling up casual vacancies in the school board of a parish (see p. 297).

TRIENNIAL ELECTIONS IN UNITED DISTRICTS.

At the Council Chamber, Whitehall, on the 10th day of December, 1873.

The Lords of the Committee of the Privy Council on Education made a general order regulating the triennial election of a school board in a united district.

Article 2 of the order provides that "the returning officer shall be the clerk of the union of which a parish in the united district (to be selected by the education department) forms part, or the person for the time being discharging the duties of such clerk."

Article 17 requires, with regard to the question which may be put to the voter at the time of his applying for a ballot paper, as to his being the person whose name appears in the rate book, that the question shall be as follows :—

- (1.) Are you the person whose name appears as A. B. in the book containing the rate made for the parish of (name it) on the day of , and rated therein for the property described as
(Specify date and property in rate book.)

The form of notice of the election is modified to meet the case when the dates on which rates were made vary in the parishes included in the united district, and requires that the notice shall show in respect of each parish the date of the rate which qualifies persons to vote.

In all other particulars, with the exception of "united district" being substituted for "parish," the regulations are the same as those applicable to the triennial election of a school board in a parish (see p. 292).

XII.—TRANSFER OF SCHOOLS TO SCHOOL BOARDS.

MINUTE OF EDUCATION DEPARTMENT.

At the Council Chamber, Whitehall, the 17th day of July, 1871.

By the Lords of the Committee of Her Majesty's Most Honourable Privy Council on Education.

Read:—

Various applications for the transfer of elementary schools to school boards under the 23rd section of the Elementary Education Act, 1870.

Resolved:—

I. In the case of premises held under a trust, express, or implied, the following rules shall be observed:—

- (1.) All questions relating to the title of the parties to the proposed arrangement, or affecting the subject matter upon which it is to operate, must be considered and settled by the legal advisers of the parties, and will not be investigated by the education department.
- (2.) In considering whether any proposed arrangement should be approved, the department will confine their attention to ascertaining that the terms of such arrangement are in their opinion proper and reasonable, and the approval expressed in any case will be limited accordingly.
- (3.) As to the terms of the arrangement, no payment of rent beyond that charged upon or reserved out of the premises by the original lease and no other valuable consideration, except an undertaking to insure and keep the premises in repair, and to keep down or redeem charges or incumbrances on the same, will in general be sanctioned.

II. Arrangements with respect to schools which are private property must be settled by the proprietors of the premises and the school boards, under sect. 19 of the Act, and do not require the intervention of the department.

CIRCULAR OF EDUCATION DEPARTMENT.

Education Department, January 1, 1872.

Sir,—Various questions having been addressed to this department as to the interpretation to be put upon the minute affecting transfers, which was passed on the 17th day of July, 1871, I am desired by my lords to furnish you with the following explanations:—

1. According to resolution II. of that minute, in all cases in which the school board are satisfied that any person has, indepen-

dently of the Elementary Education Act, 1870, legal power to sell, let, transfer, or deal with any tenements, whether occupied as school-houses or not, the school board may deal with such person with respect to such tenements without the intervention of the education department. In such cases the school board exercise the powers vested in them by sects. 18 and 19 of the Education Act, and the consent provided for under sect. 23 is not required. The same rule applies to any sale, lease, transfer of, or dealing with, books, school apparatus, or other school property over which any person has power of alienation.

2. But if an "elementary school" (sect. 3) is vested in certain persons as trustees, and these trustees have no power, independently of sect. 23 of the Elementary Education Act, to sell, lease, transfer, or deal with such school, then, if the school is to be transferred to a school board, recourse must be had to that section. It provides the means by which a proposed transfer can be effected; and it should be observed that were it not for that section the managers of a school might be compelled, if subscriptions should fail, to retain a school-house without teachers and without scholars; whereas by taking advantage of that section, the managers in such an emergency are enabled to transfer their school to the board, who have power (sects. 18 and 19) to enlarge or improve it, and to keep it in a state of efficiency.

3. But, further, according to the construction of sect. 23, adopted in the minute, 17th July, 1871, the managers have power to transfer their school, only in order to relieve themselves from the responsibility of maintaining it, and for no other purpose. It was not the purpose of the legislature to enable trustees or managers to obtain money for property held by them in trust or for the discharge of debts for which they may have made themselves personally responsible. If, indeed, it can be shown that the trustees of the school or other persons have, independently of the Act—by virtue of the original trust or otherwise—any legal power to charge, incumber, or mortgage the school premises, and that such power has been exercised, the mortgagee or incumbrancer will be protected, and any transfer will be made subject to the legal or equitable rights of such mortgagee or incumbrancer, whose rights are recognized by the 23rd section. But if, independently of the Education Act, there is no power to charge or incumber the premises, then the consideration for the transfer thereof must be *nominal*.

When schools have been erected partly by pecuniary aid from the parliamentary grant, they cannot be legally mortgaged or incumbered, and therefore in such cases a mortgage or incumbrance cannot be recognized by the department.

4. Arrangements are sometimes proposed, which contemplate the payment of school expenses, incurred prior to the date of the transfer, but not charged upon the premises. But according to the Elementary Education Act, 1870, the ratepayers cannot be made to contribute towards the expenses of any school, unless it be a school "*provided by a school board*," which means (sect. 14) "a school conducted under the control and management of a school board;" so that, until the date of transfer, a school board cannot undertake to contribute towards the expense of its maintenance.

5. In cases in which a transfer of a school in receipt of annual grants takes place in the course of the school-year (New Code, Art. 13), the managers may make an arrangement to claim such proportion of the grant as corresponds to the number of months which have elapsed between the end of the last school-year and the date of the transfer.

I am, &c.,
PATRICK CUMIN.

PRELIMINARY LETTER TO SCHOOLS APPLYING FOR TRANSFER.—
ENGLAND AND WALES.

Form No. 2 T.

Letters should be addressed—

"The Secretary, Education Department,
Whitehall, London, S. W."

Education Department, 187 .
School Board of

At the head of letters
relating to this ap-
plication write—

A. G. County of School,

N.B.—1. Letters containing inclosures should enumerate them *specifically*, with a line in the margin for each.

2. Write clearly on good FOOLSCAP paper of the same size as this sheet.

3. Applications relating to different schools are to be made in separate letters.

Sir,—In reply to your letter, dated , I am directed to draw your attention to the inclosed minute of the 17th July, 1871, and the letter explanatory of the same of the 1st January, 1872.

I am to request that you will fill up and return one of the inclosed forms 96 for the school in question.

I am also directed to enclose two copies of a blank form (96T) of arrangement for transfer. It will be convenient that you should fill up and return one of these forms instead of using a manuscript draft.

Where it is proposed to transfer to a school board premises held in trust for education, the consideration for the transfer (whether to be a price or a rent) must be merely nominal : but the board may undertake, in the arrangement for the transfer, to provide for—

- (1.) The repair and maintenance (including insurance) of the premises ;
- (2.) The discharge of any *bond fide* incumbrance which is secured by a charge on the premises ; or
- (3.) The payment of interest on such incumbrance.

If the arrangement contemplated in the present case contains any reference to an incumbrance, you are requested to furnish an exact statement of the amount and nature thereof.

It is most desirable that the consideration and filling up of the various papers herewith inclosed should be intrusted to some gentleman conversant with legal matters. But all communications with this department on the subject of the proposed transfer must be made by the clerk to the school board.

I have the honour to be, Sir,

Your obedient Servant,

F. R. SANDFORD.

EDUCATION ACT, 1870 (SECTION 23).

TRANSFER OF SCHOOL TO BOARD.

Form 96.

School Board of

School.

The answers to the following questions should be signed by the Solicitor of the School Board, the Secretary or Clerk of the Managers, and the Clerk of the School Board.

1. By what name is the School known to the Education Department ?

2. In what School Board district are the School premises situated ?

3. What is the date of the deed or other instrument under which the School is held?

4. Is there any deed of trust separate from the conveyance of the site? If so, give its date.

5. Has there been any scheme established for the School by the Court of Chancery, or by the Charity Commissioners, or in any other way? If so, give its date.

6. If there is no instrument declaring the trusts of the School, state fully why it is supposed that a transfer cannot take place without the formalities required by Section 23 of the Elementary Education Act, 1870.

7. In what manner, and with what assent, has it been usual for a Resolution or Act binding the Managers to be passed or done?

8. Is there any Trustee of the School who is not a Manager whose address is known? If so, give his name and address. (*See paragraph 8 of the "Instructions as to the Transfer of Schools."*)

9. Has the British and Foreign School Society, the National Society, the Wesleyan Education Committee, the Roman Catholic Poor School Committee, or any local Educational body, contributed to the establishment of the School? (*See paragraph 9 of the "Instructions as to the Transfer of Schools."*)

10. If any endowment belonging to the School is to be included in the intended transfer to the

11. The documents referred to in paragraphs 3, 4, 5 and 10 (or copies thereof), must be sent to the Education Department, with Forms 96 and 96T.

_____ { *Legal adviser of*
_____ { *the School Board.*

_____ { *Secretary of*
_____ { *the Managers.*

_____ { *Clerk of the*
_____ { *School Board.*

_____ *Date.*

Form No. 96 B.

2. When School premises have (under the advice of the Committee of Council on Education for the time being) been erected, enlarged, improved, or fitted up partly by pecuniary aid (*a Build-*

ing Grant) from the Parliamentary Grant, the Education Department will refuse to pay any annual grant to a School Board on account of a School carried on in such premises until such School has been actually transferred under Section 23 of the Elementary Education Act, 1870.

3. Where no *Building Grant* has been made by the Education Department, the parties, if so advised, may transfer under Section 19 of the Act. If this is done, the Clerk to the School Board should send to the Education Department a Notice that the School has been taken over by the Board as soon as such is the fact. The Minute of the Education Department of the 17th July, 1871, and the explanatory letter thereon of the 1st January, 1872, may be of assistance in determining the preliminary question.

4. (a.) If it is decided by the parties concerned to submit an arrangement for Transfer to the Education Department under Section 23, a Form 96 (to be obtained on application to the Department) should be completed and sent to the Department for consideration with the draft of the proposed arrangement for Transfer.

(b.) In filling up the Form 96, each answer should be written opposite the corresponding question.

(c.) When the answers have been filled in, the form should be dated, and signed by the Solicitor to the Board, the Secretary or Clerk of the Managers, and the Clerk of the School Board.

5. (a.) In preparing a draft arrangement for Transfer, for submission to the Department under Section 23, one of the printed Forms, 96 T, supplied by the Department *must* be used, and not a manuscript draft.

(b.) The arrangement should be submitted to the Department as a draft, *i.e.*, unexecuted, and is of no validity until approved by the Department.

(c.) The consent of the Department to an arrangement under Section 23 is confined to approving a copy of the draft terms of arrangement. It must rest with the parties concerned to determine what further proceedings may be required to complete the Transfer.

6. In preparing the draft 96 T in cases where there is an instrument declaring the trusts of the School, and such instrument contains any provision for the *alienation* of the School by any persons, or in any manner, or subject to any consent, care must be taken to set forth properly that the arrangement is made by the persons in the manner and with the consent so provided. The draft 96 T will therefore require to be modified:—

- (a.) The aforesaid persons will be the proper parties to the arrangement, and their names will require to be inserted on page 1 of 96 T.
- (b.) After the words "it is provided that" in paragraph B, should be inserted a recital of the aforesaid proviso for alienation.
- (c.) This recital should be followed by a statement that the consents and formalities required by the proviso have been duly obtained and fulfilled, the proper dates being given.
- (d.) Paragraphs B¹, C, C¹, C², and the last line of paragraph B, should be struck out. It will also be necessary to strike out of paragraph A the words "The Managers are Managers within the meaning of the Elementary Education Act, 1870, and," and the word "Managers" in paragraph F should be replaced by the proper description of the aforesaid persons.

7. The terms of arrangement should be inserted in paragraph F.

- (a.) The arrangement may be for a term of years, or for the entire interest which can be transferred under Section 23.
- (b.) The Board must not undertake to pay any consideration other than a strictly nominal one (say five shillings), whether such consideration consists of a price or of a rent.
- (c.) The arrangement may provide for the discharge of any *bond fide* encumbrance which is secured by a charge on the School premises, provided the amount of such encumbrance does not exceed the value of the interest in the premises and endowment transferred to the Board. (See paragraph 10, *post*.)
- (d.) The arrangement may provide for the Board keeping down the interest on any such encumbrance as that specified in paragraph 7 (c) *ante*, provided the annual amount of such interest does not exceed the annual value of the interest in the premises and endowment transferred to the Board.
- (e.) The arrangement must not provide for the payment by the Board of any other debt, or for the keeping down by the Board of the interest on any other debt.
- (f.) The arrangement must not provide for the payment by the Board of the current expense of maintaining the School during any time *prior to the date of the transfer*, and this date must not be earlier than the date of the consent of

the Education Department to the terms of arrangement for Transfer.

- (g.) If the fittings, furniture, books, and apparatus of the School are private property, they should be dealt with by a distinct agreement outside of any arrangement submitted to the Education Department under Section 23. If, however, these articles can only be dealt with by an arrangement under that Section, there must be no valuable consideration given for them or for their use by the Board.
- (h.) The use to which the Trustees or Managers think they may legally put the School premises during any times when their use is not transferred to the Board must not be specified in the arrangement for Transfer, as the Education Department do not think they should be called upon to express any opinion upon that point.
- (i.) The arrangement must not prescribe the kind of instruction (whether religious or secular) to be given in the School. It must not contain anything as to the examination or inspection of the School, the appointment of Managers or Teachers, the admission of children, or the general management of the School. The School, so far as transferred to the Board, must be managed in every respect as the Board for the time being see fit, subject only to Sections 7 and 14 of the Elementary Education Act, 1870.

8. If there is any Trustee of the School who is not also a Manager (whose address is known), the proposed terms of arrangement should be shown to him, and his observations thereon communicated by the Clerk of the School Board to the Education Department. The view which the Board and the Managers take of these observations should also be communicated to the Department.

9. If there are any Societies (such as the National Society, the British and Foreign School Society, the Wesleyan Education Committee, the Roman Catholic Poor School Committee, or any local educational body) who have contributed to the establishment of the School, the proposed terms of arrangement should be shown to them, and their observations thereon communicated by the Clerk of the School Board to the Education Department. The view which the Board and the Managers take of these observations should also be communicated to the Department, who should be informed what practical reasons prevent the Board and Managers from agreeing to meet the objections made by the Society to the arrangement, on the ground that it involves an

unnecessary departure from the terms of the original Trust. The Department, under the 23rd Section of the Act of 1870, are required to "consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any *person* (which includes a body corporate, Section 3) who has contributed to the establishment of such School."

10. If the School Board are to pay off or keep down any encumbrance charged on the School, full particulars of the origin and nature of such charge must be given, and the Education Department must be informed of the reasons for supposing that the charge is one duly created. A certificate of a professional surveyor must in such a case also be sent to the Department to show the value of the interest in the School premises which it is proposed to transfer to the Board.

11. (a.) The Trust Deeds or other instruments of Trust of the School (or copies thereof) must be sent to the Education Department with Forms 96 and 96 T.

(b.) Where there has been a School Building Grant made by the Education Department, the Trust instruments affecting the School premises of an earlier date than the School Building Grant need not be sent.

12. A Solicitor should be employed in the case of every transfer under Section 23, to consider and fill up the Forms 96 and 96 T, but *all* communications with the Education Department on the subject of a proposed Transfer under Section 23 must be made through the Clerk of the School Board.

13. Where it is proposed to Transfer more than one School, the correspondence as to the Transfer of each School should be conducted separately.

14. Any consent required by Section 23 of the Elementary Education Act, 1870 (for example, the consent of the body of Managers and of the body of Annual Subscribers), should be obtained, if possible, *in a general form*. That is, such consent should be to the proposed terms of arrangement for Transfer, subject to such modifications in detail as may be required by the Education Department, before giving the consent of the Department. The Department should be informed by the Clerk of the School Board whether the aforesaid consents or any of them have been given in such general form. The course here suggested is calculated to prevent unnecessary delay.

FORM OF TRANSFER.

FORM 96 T.

ELEMENTARY EDUCATION ACT, 1870 (SECTION 23).

Memorandum of Agreement made the (a) day
of
Between

the Managers of the School, which said persons above
named are hereinafter called "The Managers," and which said
School is hereinafter called "The School," of the *one part*, and
The School Board for hereinafter called "The Board," of
the *other part*.

A.—Whereas "The Managers" are Managers within the mean-
ing of the Elementary Education Act, 1870, and "The School" is
an Elementary School in the district of the Board :

*In cases falling under Section 23 (1) of the Elementary Education
Act, use B. C.*

B.—And whereas by an instrument declaring the trusts of the
school, to wit, an Indenture bearing date the day of
and made between (b)

it is provided that (c)

but such instrument contains no provision for the alienation of
the school (d):

C.—And whereas the arrangement hereinafter set forth has
been proposed by the Managers, and assented to by the Board :
And the Managers in pursuance of such proposal have passed a

(a) This date must not be earlier than the date of the consent of the
Education Department to the arrangement.

(b) Insert parties.

(c) State the manner in which, and the assent with which, a Resolu-
tion or Act binding the Managers is to be passed or done. S. 23. (1).

(d) When there is any provision "for the alienation of the School by
any persons or in any manner or subject to any consent, any arrange-
ment under this section shall be made by the persons in the manner and
with the consent so provided."—*Education Act, Section 23.*

resolution on the day of according to the manner in which, and with the assent with which a resolution binding the Managers was to be passed.

In cases falling under Section 23 (2) (3) of the Elementary Education Act instead of B. let B¹., and instead of C. let C¹. or C². be substituted.

B¹.—And whereas there is no instrument declaring the trusts of the school or containing any provision with respect to the manner in which or the assent with which a resolution or act binding the Managers is to be passed or done.

C¹.—And whereas the arrangement hereinafter set forth has been proposed by the Managers and assented to by the Board and the Managers in pursuance of such proposal have passed a resolution in the manner in which and with the assent with which it has been shown to the Education Department to have been usual for a resolution binding the Managers to be passed (e).

[Or if no manner or assent can be shown to have been usual.]

C².—And whereas the arrangement hereinafter set forth has been proposed by the Managers and assented to by the Board and the said arrangement on the day of received the assent of being not less than two-thirds of those members of the Body of Managers who were present at a Meeting of the Body summoned for the purpose and voted on the question.

D.—And whereas there are no annual subscribers to the school (f):

D¹.—And whereas on the day of the said arrangement received the consent of (not being less than two-thirds) of the annual subscribers to the school who were present at a meeting duly summoned, and voted on the question (f).

E.—And whereas the proposed arrangement received the consent of the Education Department on the day of (g).

F.—Now it is hereby agreed between the Managers and the Board as follows :

(e) Question 7 in Form 96 should be answered.

(f) Strike out paragraph D or paragraph D¹ according as there are, or are not, any annual subscribers.

(g) State the terms of the Agreement.

In this arrangement the expression "School-house" means the hereditaments comprised in, and of which the trusts are declared by, the hereinbefore recited instrument.

The Board shall during the term of (a) years from the date of these presents, have the exclusive use at all times of every teacher's residence forming part of the School-house, and also the exclusive use of the rest of the School-house on every week day from (a) o'clock in the morning until (a) o'clock in the afternoon, and after six o'clock in the afternoon of every (a) .

The right to the use of the School-house at all such times, as its use is not by this arrangement allowed to the Board, shall be in those persons who but for the said arrangement would have the said right.

The Board shall during the said term pay and discharge all rates, taxes, charges, assessments, and outgoings whatsoever, whether parliamentary, municipal, parochial, local, or of any other description, which are now or may at any time hereafter be assessed, charged, or imposed upon the School-house, or on the owner or occupier in respect thereof.

The Board shall at their own costs during the said term insure and keep insured against loss by fire the School-house to the full value thereof in some office of repute, and shall expend all moneys received in respect of such insurance upon the School-house in such manner as may be directed by the Education Department.

The Board shall during the said term keep the School-house clean and in good and tenantable repair internally and externally.

All the costs and expenses of, and incidental to, these presents and the carrying out and perfecting of the said arrangement, shall be borne and paid by the Board.

(a) Insert the term of years and the hours and days fixed on.

The hours fixed on should give to the Board at least 2½ hours for the morning meeting and 2½ hours for the afternoon meeting of the School. Less time will not allow for marking the Registers, and the orderly assembling and dismissal of the children. Holidays, such as Christmas Day, Good Friday, &c., should (if agreed upon) be specially reserved.

If any annual grant received by the Board from the Education Department on account of the school, relates to a period during part of which the school was conducted by the Managers, a corresponding part of such grant shall be paid by the Board to the Managers.

Provided always that notwithstanding anything expressed or contained in the present arrangement, the Board shall continue to have such use of the School-house as hereinbefore specified until the expiration of a period not exceeding 12 months to be fixed by the Board after the value of any works executed with the aid of a loan shall have been repaid to the Board.

The aforesaid value shall be the value at the time when the repayment is made in full and the amount to be so repaid shall be ascertained and certified by a Surveyor selected jointly by the Board and the Managers to whom the School will revert when it ceases to be a School provided by the Board. In the event of their disagreement the Surveyor shall be appointed by the Education Department and his expenses defrayed by the Board and Managers in such proportions as the Department shall direct.

G.—From and after the (b) day of the school hereby transferred shall to such extent and during such times as the Board have under the said arrangement any control over such school be deemed to be a school provided by the Board within the meaning of the Elementary Education Act, 1870. In Witness, &c.

The above recitals are correct to the best of our knowledge and belief.

_____ *Solicitor of School Board.*

_____ *Clerk of Managers.*

_____ *Clerk of School Board.*

(b) This date must not be earlier than the date of the consent of the Education Department to the arrangement.

XIII.—SCHOOL ATTENDANCE.

APPROVAL OF TIME-TABLES.

Circulars to Her Majesty's Inspectors.

Education Department, 31st May, 1871.

Sir,—I am directed to remind you that before approving a time-table under the minute of 7th February, 1871, you must ascertain that it conforms to sect. 7 of the Elementary Education Act.

This is all that is essential in order that you should affix your signature.

To prevent any misunderstanding on this point, I am to request that you will enter on time-tables which satisfy the prescribed conditions, “approved on behalf of the education department *as fulfilling the requirements of sect. 7 of the Elementary Education Act, 1870.*”

But in advising managers as to the arrangements shown on a time-table for the distribution of work during the hours of instruction in secular subjects you will remind them—

1. That payment of grants to a public elementary school depends upon the fulfilment of Article 23 of the new code.
2. That payment of grants for special subjects depends upon the fulfilment of Article 21.
3. That the “use of ill-adjusted time-tables”—(Instructions of September, 1862)—is one of the faults for which the grant to a school may be reduced under Article 32 (b).

Her Majesty's inspectors ought not to interfere with the responsibility of managers and teachers for the details of school work. The efficiency of their arrangements will be tested by the results produced at the annual examination of their school; but you can point out any serious objection to a time-table which is presented to you for signature, leaving the managers to decide whether they consider an alteration necessary.

If the time-table does not show the classes and subjects intrusted to the pupil teachers, and the time given by the principal teacher, during school hours, to their technical instruction in the art of teaching, these particulars ought to be entered in the log-book, and inquiry should be made, at the time of your visit, as to how far the arrangements so recorded are carried out in the daily work of the school.

I have the honour to be, &c.,

F. R. SANDFORD.

Education Department, 10th August, 1872.

Sir,—1. My lords are frequently asked whether, and if so, under what circumstances, the managers of a school may allow a time-table which has been approved by Her Majesty's inspector to be departed from in the daily work of a school.

2. So far as a time-table sets forth, as required by sect. 7 of the Education Act, the time or times to be devoted to instruction *in religious subjects*, no change may be made without the express sanction of the inspector. This sanction ought not to be given in the course of a school year, except upon formal application from the managers, nor unless strong grounds for the change are shown. The parents of scholars attending a public elementary school ought to know for certain at what time or times they may withdraw their children, if they wish to do so.

3. Any neglect of this division of the time-table will entail a forfeiture of grants,—the loss will fall upon the managers, and they must, therefore, see carefully and constantly to this point.

4. So far as the distribution of the time devoted to *secular instruction* is concerned, the case is different : as the approval by the education department required under sect. 7 (2) of the Elementary Education Act does not apply to such distribution of time. A time-table, however, for all subjects taught, is necessary to secure order and regularity in the daily work of a school, and when once settled, ought to be adhered to. It otherwise ceases to be of any use for the information of the parents, or to be a guide to the inspector in forming his judgment of a teacher, or in examining a school.

5. The managers should therefore arrange with the inspector at his yearly visit what the time-table for the ensuing year is to be ; if they allow the teacher to alter it permanently during the school year, a special note of the change allowed should be made by the correspondent in the log-book ; and a copy of the table as corrected, ought to be at once put up in the school.

6. Occasional deviations from the table may be allowed without so formal a record, but they also should be noted by the teacher in the log-book ; if frequently resorted to without good reason they must be regarded as a proof of the teacher's inefficiency, and may cause the grant to be reduced.

7. The inspector will therefore read the 6th paragraph of the minute of 7th February, 1871 (a), as referring to the time-table, so

(a) The 6th paragraph of the minute of the 7th February, 1871, is : —“ That the inspector, at any visit which he pays to a school without notice, shall report to the Education Department if he finds that the

far as it has been approved under sect. 7 of the Education Act : but so far as the hours of secular instruction are concerned, he will note in the log-book, for the information of the managers, every case in which he finds a school not being taught according to the ordinary time-table, unless there is a record in the said log-book of the reason why the order of instruction set forth in the time-table has not been observed.

I have the honour to be, &c.,

F. R. SANDFORD.

**CERTIFICATES TO SCHOLARS CLAIMING EXEMPTION FROM
COMPULSORY ATTENDANCE AT SCHOOL.**

Education Department, Whitehall, London, S.W.,
22nd December, 1871.

Sir,—The education department have had under consideration that clause of the 74th section of the Elementary Education Act, which prescribes that—

“Any bye-law under this section requiring a child between ten and thirteen years of age to attend school shall provide for the total or partial exemption of such child from the obligation to attend school, if one of Her Majesty’s inspectors certifies that such child has reached a standard of education specified in such bye-law.”

The bye-laws sanctioned by Her Majesty in council under this section accordingly specify certain standards of education, fixed by the school board of each district, which must be reached by the children within their jurisdiction, before they can claim either total or partial exemption from compulsory attendance at school. These standards are based upon Article 28 of the new code.

Their lordships have had to consider the arrangements to be made with the view of enabling Her Majesty’s inspectors to grant the required certificates on behalf of the children who desire to take advantage of this provision of the Education Act.

They have decided—

1. That certificates shall not be given by an inspector to the individual children themselves ; but that a general certi-

work of the school is not being carried on according to the approved time-table, or that the time-table itself is not exhibited in every schoolroom.”

cate shall be signed for all the children examined in each public elementary school.

2. That certificates shall not be given by the inspector on behalf of any children except those presented for examination, for the purpose of a grant, at the date of his annual visit to such schools (Articles 10, 11, new code).
3. That certificates shall not be given for children so presented in any school before the 1st January, 1872.
4. That no certificate of having reached any specified standard shall be granted on behalf of a child who does not pass successfully in each of the three subjects (reading, writing, and arithmetic) in that standard.
5. That as different standards of exemption have been adopted by the school boards of different districts, the certificate framed according to the bye-laws of the district shall be presented to (and not provided by) the inspector at his visit to each school.
6. That each school board be requested to prepare and print *certificate sheets*, containing the names of a considerable number of children, and setting forth—
 - (I.) The bye-laws passed by the school board with reference to exemption from school attendance within the district.
 - (II.) The name of the school in which the children who desire to avail themselves of such byelaw are presented for examination.
 - (III.) The names, age, and residence of each such child.
 - (IV.) The standard in which each child is presented.

A specimen of a certificate sheet, such as my lords recommend for this purpose, is annexed to this circular, but the precise form of sheet to be used is left to the discretion of each board, so long as the required particulars are shown on it.

The school board of each district should appoint agents for the sale of these sheets in the district, and the order of proceeding in granting certificates will then be as follows :—

The teacher of a school, on receiving the inspector's notice of visit, will obtain a *certificate sheet* from the agent of a school board, and will fill it up on behalf of the scholars who desire, and are of the proper age to claim, certificates under the byelaw, and who are to be examined in one of the standards qualifying for partial, or total, exemption from school attendance. The teacher will hand this sheet to the inspector, on the day of his visit, along with the official examination schedule, containing the names of all the children to be presented to him on that day.

Some inspectors complete the examination of all the scholars presented to them during their visit to a school ; others, having marked the reading in the school, take the examination schedule away with them, and complete the entries for writing and arithmetic, after they have revised the papers worked in the higher standards.

The former will be able to complete the *certificate sheet* in the school, *will sign it*, and hand it to the teacher.

The latter will take both the examination schedule and the certificate sheet away with them, will complete the certificate entries after the examination schedule is fully marked, and will then return the certificate sheet to the teacher.

In either case, one signature will cover all the scholars examined in the school ; and the teacher, after recording the results for the information of the managers, will forward the original certificate sheet, signed by the inspector, to the school board.

If any certificate is granted to the individual scholar, it should be given from his school, and signed by the teacher, and one of the managers ; and if a child produces such a certificate in excuse for non-attendance at school, its genuineness can be tested by a reference to the original certificate sheet signed by the inspector, which will be in possession of the school board. For facility of reference, the certificate sheets should be filled up by the teacher in the alphabetical order of the surnames of the children, and the sheets from each school should be filed by the board consecutively, and by themselves.

A child migrating from one school district to another may, by this arrangement, take his certificate with him, and any doubt as to its being genuine can be cleared up by correspondence between the two boards.

A form of the certificate which may be granted to individual scholars accompanies this circular.

My lords do not feel themselves called upon to make any special provision for the inspectors granting certificates on behalf of children who do not attend public elementary schools. It will rest with each school board to take such steps as they may think best to test the requirements of such children.

I have the honour to be, &c.,

F. R. SANDFORD.

*Scholar's Certificate.**District of the School Board of**Elementary School.*

Take notice, that Her Majesty's inspectors of schools
 did, on the day of 187 , certify that
 A.B., scholar in the above-named school, aged years,
 months, residing at , had reached a standard of
 education qualifying him or her for total or partial exemption
 from compulsory attendance at school, pursuant to the terms of a
 byelaw made by the school board of the above-named district,
 and printed on the back of this notice.

Signed

School Manager.

Certificated teacher of the above-named school.
 day of 187 .

XIV.—SCHOOL REGISTERS AND THE METHOD OF KEEPING THEM.

Education Department, Whitehall, London, S.W.,
 July, 1873.

Sir,—Their lordships' grants under the new code depend so materially upon the accuracy of the returns made by the managers of schools, that it is absolutely necessary to require the registers of every school to be so kept that the attendance and progress of individual scholars may be tested with ease and certainty.

The code requires that before any grant is made to a school the education department must be satisfied that registers of admission and daily attendance are accurately kept, and may be accepted as trustworthy (Article 17*h*).

Again, under Article 32*b*, the grant may be reduced by not less than one-tenth nor more than five-tenths upon the inspector's report for faults of registration.

In every school there should be—

- (1.) A register of admission, progress, and withdrawal.
- (2.) Registers of daily attendance for all scholars.
- (3.) A book of summaries.

These registers must (Article 34) be provided by the managers out of the funds of the school, so as to be the property of the school, and not in any sense of the teacher.

ADMISSION REGISTER.

The Admission Register should be kept exclusively by the head teacher, and made up at least once a week. Successive numbers should be allotted to the children on their admission, so that each child may have its own number, which it should retain throughout its school career. A child who returns to school after an absence of any duration would resume its original admission number.

This register should show distinctly for each child in the school.—

- (a.) Its number on the register.
- (b.) The date of its admission or re-admission, day, month, and year.
- (c.) Name in *full*, christian and surname.
- (d.) The name and address of its parent or guardian.
- (e.) Whether exemption from religious instruction is claimed.
- (f.) The exact date of the child's birth, day, month, and year.
- (g.) The last school (if any) which it attended before entering this school.
- (h.) The highest standard in which it was there presented.
- (i.) The successive standards in which presented in *this* school.
- (k.) The date of leaving.

Where several children of the same name attend, they may be distinguished thus :—"John Jones (a)," "John Jones (b)," &c.

This register should have an alphabetical index.

ATTENDANCE REGISTERS.

The registers must be marked every time that the school meets, however small the attendance may be. They should show the daily and weekly attendances of every scholar, beginning with the first day of the school year (Article 13), and continuing to the end of the same.

Adequate time for marking these registries should be provided for in the time-tables,—from five to ten minutes or more, according to the number of scholars.

In mixed schools the boys should be entered in the upper part of a page, the girls in the lower, leaving a space between them.

On the outside of the cover of each register should be legibly written the name of the school, and the year, also the department (boys, girls, mixed or infant, as the case may be), and the class or classes to which it belongs.

There should be columns for each child's admission number, for its name in full, and its age last birthday, and columns for all

the weeks in the year, which should always be dated at their head with the day and the month. A column for school pence received in each week is not unfrequently added to the attendance columns, but as this is apt to cause confusion in the additions, both of the pence and attendances, the pence columns had better be kept separate, unless entries be made in them in red ink. There should be a column for the entry at the close of each week of the total attendances made by each child during that week, and at the end of the register columns to sum up the total attendances of each child during the year. Another column is required in schools attended by half-timers, who should be distinguished by the insertion of "H" (half-timer under any Act), or "R" (rural half-timer), &c., after their names. The register for each class may be marked by the pupil-teacher (if he have completed his second year), having charge of the class, but the head teacher must always be responsible for its being regularly and properly kept.

In marking the attendance registers, the following rules should be observed:—

- (1.) The registers must be marked and finally closed at least two hours before the termination of the time given to the secular instruction at each meeting of the school, and at the time specified on the approved time-table.
- (2.) After the registers are closed no child may be marked.
- (3.) Every child must be marked at each meeting of the school.
- (4.) In ink, never in pencil inked over afterwards.
- (5.) Presence must be marked with a long stroke, thus /, or \.
- (6.) Absence must be marked with an "a," or "s" (sick), or "w" (weather), or "h" (home circumstances), or otherwise, as the case may be.
- (7.) There must be no dots.
- (8.) No erasures; if any error has been made it must be corrected by a foot-note.
- (9.) No blanks.
- (10.) If a child leaves before the two hours of secular instruction, its mark for presence should be cancelled by another stroke across it thus X.
- (11.) Registers must be original and not copied from slates, papers, &c., on pretence of keeping them clean, or any other plea.
- (12.) The number of attendances made by the class should be entered at the foot of the column every morning and afternoon at the time for closing the registers.

- (13.) The number of attendances made by each child during the week must be entered.
- (14.) When a half or whole holiday occurs, or (*in England and Wales*) on the occasion of days set apart for special inspection, under section 76 of the Education Act (when the meetings and attendance are *not* to be registered for the purpose of annual grants), a line should be drawn down the whole length of the column or columns.
- (15.) For longer periods, "holiday" should be written across the columns.

At the foot of the attendance columns for each week, or in some place specially provided for them in the registers, should be entered—

- (a.) The number of times the school was open, morning and afternoon.
- (b.) The total number of attendances made by all the children on this register during the week.

At the foot of each pence column, the total amount of pence received during the week.

SUMMARY.

- (1.) The weekly entries of the attendance of each class should be transferred from the class registers every week into appropriate pages in the summary, and the average attendance for each week recorded.
- (2.) At the completion of the year, the annual averages for the whole school should be struck and entered of boys and girls separately,—

- (1.) Under 3,
- (2.) Between 3 and 7,
- (3.) Above 7, and
- (4.) Above 8,

And the highest weekly average noted.

- (3.) The summary should be clear, and should at once show the results asked for in the manager's return, Form IX.

In this book copies of the last examination schedule, and of the returns in Form IX., should be preserved, together with a list of scholars qualified to be presented, but not presented, and the reasons for their not being presented.

These registers should be checked at uncertain intervals, and at least once in every quarter, by the managers, and at the time of checking them an entry should be made in the log-book.

They should also be signed at the same time by the teacher responsible for them.

Attendance registers, when filled, should be put away and preserved for at least one year. Admission registers and summaries should never be destroyed.

The above rules are intended for day schools, but should be applied as far as possible to evening schools.

My lords do not at present insist upon uniform registers as a condition of annual grants, but they trust that, by the co-operation of the managers of schools, such an extent of uniformity may be gradually introduced as to make the adoption hereafter of a uniform system of registers a matter of little difficulty.

I have the honour to be, Sir,

Your obedient Servant,

A. T. CORY,
Assistant Secretary.

XV.—CERTIFIED EFFICIENT SCHOOLS.

INSTRUCTIONS AND RULES OF EDUCATION DEPARTMENT.

Circular Letter to H.M. Inspectors of Schools.

Education Department, Whitehall, S.W.
February 8th, 1877.

Sir,—I am directed to forward, for your information and guidance, the annexed copy of the Rules which the Lords of the Committee of Council on Education have laid down with respect to the conditions under which they will be prepared to recognise as “certified efficient schools,” under the Education Act, 1876 (section 48), those elementary schools which do not seek annual aid, and are not inspected by the officers of other departments of the State.

The efficiency of every such school will have to be tested in respect of—

1. The premises in which it is held.
2. The results of the secular instruction.

1. Your inquiry under the first head will extend to all the points on which you are required to report under the New Code, in the case of an application for annual aid, and will include the supply of school furniture, books, apparatus, and other material appliances.

My lords are not prepared to certify any school as efficient which does not in these particulars come up to the standard required as a condition of annual grants, until they are satisfied that any deficiencies which you may have pointed out have been made good.

2. As regards the standard of instruction fixed by the rules, my lords are aware that it is a very low one, and that it can be accepted only as a starting-point for future improvement. They have taken it, with very slight modifications, from the test of efficiency prescribed by the instructions issued to the inspectors who, under the Act of 1870, carried out the inquiry into the general school provision of the country. It is obvious that as the object of the recognition of the new class of schools in question is to secure for children who do not attend public elementary schools such instruction in the first four standards of the Code as will qualify them to obtain certificates of proficiency under the Act of 1876, enabling them to go to work, it will be the duty of the managers so to raise the character of the teaching in their schools as at least to keep pace with the standards of proficiency required in successive years by that Act as a condition of employment. My lords must therefore expressly reserve to themselves the power to require a higher standard of instruction, from time to time, from those schools which are to be continued on the list of certified efficient schools.

Should you find the instruction in any school more advanced than the standard suggested in the rules, you will report what results are actually attained in the school, and the higher subjects, if any, in which proficiency is shown by the scholars.

If on the occasion of any visit to a certified efficient school, you find that the managers wish to apply for annual aid, and their teacher to be examined for a certificate under Article 47 of the Code, you will hear the teacher give a lesson to a class, as a test of his (or her) practical skill, and you will satisfy yourself that the school does not fall short of the *minimum* standard of instruction specified in the rules. So, if the managers wish the teacher to receive a certificate without examination, under Article 59 of the Code, you will examine the scholars according to the terms of that article, and report the result of the examination, and your opinion of the teacher's skill. In either case you will inform the managers that they must intimate their wishes to this department, if they have not already done so, reminding them that no grant can be made to any school which is not conducted as a public elementary school within the meaning of the Education Act of 1870 (section 7).

My lords will expect you to report upon the certified efficient schools which you visit, either when specially called upon to do so, or in any general report on your district, which is presented to Parliament.

I have the honour to be, Sir,
Your obedient servant,

F. R. SANDFORD.

To Her Majesty's Inspectors of Schools.

RULES AS TO CERTIFIED EFFICIENT SCHOOLS.

1. The managers of any elementary school who wish the school to be certified as efficient will, on writing to the Secretary, Education Department, Whitehall, S.W., receive instructions as to the manner in which their application is to be conducted.

2. The department, on agreeing to entertain the application, will direct one of Her Majesty's inspectors to report upon the school. The inspector will give notice beforehand to the managers of the day fixed for his visit.

Preliminary Conditions.

3. Before a school is certified as an *efficient school*, the education department must be satisfied that,—

- (a.) Elementary education is the principal part of the education given in the school, and that the ordinary school fee for each scholar does not exceed ninepence a week.
- (b.) The school is not carried on under the management of any person or persons who derive emolument from it.
- (c.) The school premises are healthy, well lighted, warmed, drained, and ventilated; supplied with suitable offices, and contain in the principal schoolroom and classrooms at least 80 cubical feet of internal space, and 8 square feet of area, for each child in average attendance.
- (d.) The school is properly furnished, supplied with books and apparatus, and under good discipline.
- (e.) The teacher is efficient, and is not allowed to undertake duties, not connected with the school, which occupy any part whatever of the school hours.
- (f.) The girls are taught plain needlework, as part of the ordinary course of instruction.

Standard of Instruction.

4. (a.) The general instruction of infants (from 5 to 7) will be tested by the standard of instruction used in public elementary schools.

RULES AS TO CERTIFIED EFFICIENT SCHOOLS. 331

- (b.) As regards the elder children, 50 per cent. of the number of scholars above seven years of age, in average attendance during the previous year, will be individually examined in reading, writing, and elementary arithmetic ; those from 7 to 8 in Standard I. of the Code of 1870, those from 8 to 10 in Standard I. of the Code of 1877, and those above 10 in Standard II. (or a higher Standard) of the same Code (1877).
- (c.) One half of the children examined ought to pass in two subjects.
- (d.) One half of the children above 10 ought to pass in two subjects.
- (e.) One half of the children so passing ought to pass in arithmetic.

	Standard I. (1870).	Standard I. (1877).	Standard II. (1877.)
Reading - -	Narrative in mono-syllables.	One of the narra-tives next in order after mo-nosyllables in an elementary read-ing book used in the school.	A short paragraph from an elemen-tary reading book.
Writing - -	Form on black board or slate, from dictation, letters, capital and small, ma-nuscript.	Copy in manuscript character a line of print, and write from dic-tation a few com-mon words.	A sentence from the same book slowly read once, and then dicta-ted in single words.
Arithmetic - -	Form on black board or slate, from dictation, figures up to 20 ; name at sight figures up to 20 ; add and subtract figures up to 10 ; orally, from ex-amples on black board.	Simple addition and subtraction of numbers of not more than four figures, and the multiplication table to 6 times 12.	The four simple rules to short division (inclu-sive).

5. The school must meet in the morning and afternoon in the course of each year, not less than 400 times, or a smaller number of times if it is carried on, under an arrangement approved by the department, with the view of satisfying the requirements of any byelaw passed by a local authority for the half-time instruction of children above 10 years of age.

6. Attendance at a morning or afternoon meeting may not be reckoned for any scholar who has been under instruction in secular subjects less than two hours, if above, or one hour and a half, if under seven years of age. These hours need not be consecutive, nor necessarily the same for the whole school.

School Registers.

7. The registers of every certified efficient school must be so kept that the attendance and progress of individual scholars may be tested, and certified, with ease and certainty, in pursuance of any regulations made by the education department, under the Elementary Education Act, 1876 (sec. 24); and for this purpose in every school there must be—

- (1.) A register of admission, progress, and withdrawal.
- (2.) Registers of daily attendance.
- (3.) A book of summaries.

Admission Register.

8. *The admission register* should show distinctly for each child in the school—

- (a.) Its number on the register.
 - (b.) The date of its admission (day, month, and year).
 - (c.) Name in *full*, christian and surname.
 - (d.) The name and address of its parent or guardian.
 - (e.) The exact date of the child's birth.
 - (f.) The last school (if any) which it attended before entering this school.
 - (g.) The date of leaving.
9. (a.) This register should be made up at least once a week. Successive numbers should be allotted to the children on their admission, so that each child may have its own number.
- (b.) Where several children of the same name attend, they may be distinguished thus: "John Jones (a)," "John Jones (b), &c."
- (c.) This register should have an alphabetical index.

Attendance Registers.

10. *The attendance registers* must be marked every time the school meets, and must show the daily and weekly attendance of every scholar for each year.

11. On the outside of the cover of each register should be legibly written the name of the school, and the year, also the department (boys, girls, mixed or infant, as the case may be), and the class or classes to which it belongs.

12. Each register should contain —

- (a.) Columns for each child's admission number, for its name in full, and its age last birth day, and columns for all the weeks in the year.
- (b.) A column for the entry at the close of each week of the total attendances made by each child during that week, and, at the end of the register, columns to sum up the total attendances of each child during the year.

Another column is required in schools attended by half-timers, who should be distinguished by the insertion of "H" (half-timer under any Act) after their names.

13. In marking these registers the following rules should be observed—

- (1.) Every child must be marked at the commencement of each meeting of the school.
- (2.) *Presence* must be marked with a long stroke (thus /).
- (3.) As soon as a child completes its two hours of secular instruction, its mark for presence should be crossed by another stroke (thus X).
- (4.) Registers must be original and not copied from slates or papers.
- (5.) The number of attendances made by the class should be entered at the foot of the column every morning and afternoon.
- (6.) The number of attendances made by each child during the week must be entered,

14. At the foot of the attendance columns *for each week*, or in some place specially provided for them in the registers, should be entered : —

- (a.) The number of times the school was open, morning and afternoon.
- (b.) The total number of attendances made by all the children on this register during the week.

Summary.

15. The weekly entries of the attendance of each class should be transferred from the class registers every week into appropriate pages in a summary register, and the average attendance of the whole school for each week recorded.

16. At the completion of the year, the annual averages for the whole school should be struck and entered, of boys and girls separately,—

- (1) under 5,
- (2) between 5 and 7, and
- (3) above 7.

17. These registers must be provided by the managers, so as to be the property of the school, and not in any sense of the teacher.

18. All the registers should be checked at uncertain intervals, and at least once in every quarter, by the managers. They should also be signed at the same time by the teachers who are responsible for them.

19. The registers, when filled, must be carefully preserved for 10 years.

20. If a school is discontinued, the registers are to be handed over to the local authority of the district.

General Conditions.

21. An inspector may visit any certified efficient school at any time without notice, and will endeavour to do so *with notice* once every year.

22. The managers will, when called upon, report as to the teacher's character, conduct, and attention to duty.

23. The inspector will report whether the school is efficient in organization, discipline, and instruction, and whether the registers are properly kept.

24. The certificate that a school is efficient may at any time be recalled or suspended, if—

(a.) Either of these reports is unsatisfactory ; or,

(b.) Any of the conditions on which the certificate was granted cease to be fulfilled ; or,

(c.) The department is not satisfied that all returns called for are duly made, the admission and daily attendance of the scholars carefully registered, and all returns and certificates of character may be accepted as trustworthy.

25. Notice of the issue, suspension, or withdrawal of a certificate of efficiency will be given to the local authority of the district in which the school is situated.

26. Notice is to be given to the department, by the managers, of any change of teacher in the school.

27. The managers must appoint a correspondent with the department, and must give notice of any change of correspondent.

28. Teachers cannot act as managers of, or correspondents for, the schools in which they are employed.

XVI.—CERTIFICATES OF AGE, SCHOOL ATTENDANCE, AND PROFICIENCY, AND PAYMENT OF SCHOOL FEES FOR CHILDREN HOLDING HONOUR CERTIFICATES.

REGULATIONS OF EDUCATION DEPARTMENT.

At the Council Chamber, Whitehall, the 9th day of February, 1877,
and the 2nd day of April, 1878 (*a*).

By the Lords of the Committee of Privy Council on Education.

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Act of 1876, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows :—

I. With respect to certificates of age, school attendance, and proficiency, for the purposes of the Education Act, 1876.

1. Any parent, or other person interested in the education or employment of a child, may apply to the local authority, or local committee, of the district in which the child resides, or to the managers of any certified efficient school in which the child is, has been, or wishes to be a scholar, for forms in which to obtain, on behalf of the child, any of the following certificates, viz :—

A certificate of age :

A certificate of school attendance :

A certificate of proficiency : or for

A *child's school book* combining these three certificates.

Certificates of Age.

2. A certificate of the date of a child's birth will be granted by a registrar or superintendent registrar of births and deaths in a form prescribed for the purpose by the local government board, pursuant to the 25th section of the Elementary Education Act, 1876. The fee for such certificate is not to exceed 6d.

3. When a local authority, under the power given by the 26th section of the Elementary Education Act, 1876, have obtained a

(*a*) N.B.—The regulations of the 2nd April, 1878, are printed in italics.

return of the births of children in their district which will enable them to grant age certificates to individual children, they shall, on the application of any parent or other person interested in the education or employment of a child, grant such certificate under the hand of their clerk, or other officer deputed for the purpose, for a fee not exceeding 4d. for each child. This certificate is to be given either on a special form or in the child's school book referred to below (Regulation 20).

4. A register shall be kept by the local authority of the name, parentage, date of birth, and residence of every child to whom a certificate of age is granted under the preceding regulation.

Certificate of School Attendance.

5. The parent, or any other person interested in the employment or education of a child under fourteen, may require the principal teacher for the time being of any certified efficient school, which such child has attended, to furnish a certificate specifying the number of school attendances made by the child in the school during each year, since the age of five, for which the school registers are preserved.

6. The teacher shall grant such certificate in a form prescribed by the education department, in the first case free of charge, and for a fee not exceeding 1d. for each year's attendances entered in the second or any subsequent copy of the original certificate, that may be demanded in respect of such child.

7. The school registers of every certified efficient school shall be carefully preserved by the managers for at least ten years, and any teacher taking away or destroying such registers may be dealt with as under Regulation 25. If a school is discontinued, the registers are to be handed over to the local authority of the district.

8. In the month of January in every year the managers of every certified efficient school shall forward to the local authority of the district a list drawn up by the teacher and countersigned by them, showing the name, residence, and age of every child above five years of age who has attended the school for any number of days, however few, in the course of the year ending on the preceding 31st of December, and the number of attendances, after the said age, made by the child in that year.

9. The local authority will preserve these lists for at least ten years. They will be a check on the certificates granted to individual scholars by teachers, and will enable the local authority, if necessary, to dispense with the production of a child's certificate,

if any question should arise as to such child's qualification for employment.

10. These lists will also, if a family migrates from one district to another, enable the local authorities of the two districts to communicate with each other as to a child's qualification for employment, so far as previous school attendance is concerned, if he is unable to produce his own certificate on this point.

11. If a child's certificate is lost, or if the registers of a school are accidentally destroyed or not forthcoming, in consequence of the closing of the school, the local authority shall, so far as may be possible, grant such certificates of a child's school attendances as may be required from the lists supplied to them by the managers.

The fee payable to the local authority for supplying certificates in this case shall not exceed 1d. for the entry of the child's school attendances for each year.

Certificates of Proficiency.

12. Certificates of proficiency will be granted only after an examination held, as hereinafter described, by one of Her Majesty's inspectors of schools, or his assistant. No separate examination of individual children will be held for the purpose.

13. The inspector, after any visit paid, with notice, to a certified efficient school, will grant such certificates as may be required for children who have reached the standard prescribed by, or pursuant to the provisions of, the Elementary Education Act, 1876, or of any byelaw of the local authority of the district, or of any Act for regulating the education of children employed in labour.

14. Certificates will be issued for those scholars only who pass in all the three subjects in the prescribed standard, or in a higher standard.

15. For the purpose of these certificates the inspector or his assistant will examine—

1. Any scholars in the school :
2. Other children, resident in the district, not being scholars in the school, allowed by the managers to attend the examination, on the application of the local authority of the district, or of a local committee.

16. When the candidates for certificates of proficiency in a district not being scholars in a certified efficient school, are more

than fifteen in number, application for a special examination may be made by the local authority, or by a local committee, subject to the following regulations :—

(a.) The application shall be sent to the inspector for the district not less than twenty days before the date at which it is desired that the examination should be held.

(b.) The local authority, or local committee, must specify the number of children to be presented for examination, and must undertake—

That all children within their district for whom certificates are needed will be allowed to attend the examination ; and

That a convenient room will be provided for the examination on such day, and at such hour, as shall be fixed by the inspector.

17. The special examination may also be attended by any child qualified by age for full time employment who, having failed to pass, at the examination of its school, in one or more of the three subjects in the standard prescribed in the district, either by the Act of 1876, or by the byelaws of the district, wishes to be examined again for the purpose of obtaining a certificate.

18. A child cannot be examined a second time until three months have elapsed since the date of the examination at which it failed, and must on each occasion be examined in all the three subjects of the standard in which it is presented.

19. The inspector will not grant certificates to individual children. He will forward to the managers of each certified efficient school at which he has held an examination, and to the local authority, or local committee, in the case of each special examination, a schedule showing the results of the examination of each child, and deputing the teacher of the school, or an officer of the local authority or local committee, to grant certificates to such children as have passed successfully.

(a.) When this schedule is sent to the managers of a school, or to a local committee, they shall forthwith transmit a certified copy of it to the local authority for record.

(b.) *A local authority, on receiving either a list of scholars under Regulation 8, or a copy of an examination schedule under Regulation 19, which contains entries relating to children resident in any other district, shall forthwith send to the local authority of that other district a copy of such part of the said list or schedule as relates to the children resident therein.*

Child's School Book.

20. A form, with this title, will be prepared which will combine all the three above mentioned certificates. It will thus show the child's date of birth, attendances at school, and the standards which it may successively pass during its school life. The form with its certified entries will also serve as a pass to work, which can be shown to any person who may wish to take the child into his employment.

21. The production of this form will, in accordance with Article 19 B. 6, in the code of the department (1877), in the case of every child admitted to a school after the 1st of January, 1878, be made a condition of the child's examination for a grant to a public elementary school.

(a.) *The usual form of the child's school book will continue to be distributed by the department. But in cases where the local authority think fit to dispense with the registrar's certificate of the date of a child's birth, it shall be lawful for the local authority, on the production of a baptismal certificate, an extract from the vaccination register, or such other evidence as they may consider sufficient, to direct an entry to be made in the child's school book, under the hand of their clerk or other person specially deputed for the purpose (such as a school manager, teacher, or other responsible person resident in the school district), of the age of the child at the time when such entry is made. The entry when once made must not be altered.*

(b.) *It shall not be competent for the local authority to insist upon the production of the registrar's certificate of birth, where the managers of a school offer reasonable evidence of the age of a child, unless the local authority are prepared to pay the whole cost of procuring the registrar's certificate.*

22. The form, on the child's admission to a school, will be given up to the teacher, who will keep it, and at the end of every year make an entry of the child's attendances (after five years of age) and of any standard in which the child may have passed successfully (Regulation 19) during the year. The form will be given back on the child leaving the school, either for work or to go to another school.

General.

23. All the forms referred to in these regulations shall be kept by every local authority, from whom they are to be obtained free of cost or charge, except in the cases where any fee is specially allowed.

24. These forms may be procured from the education department by the local authority, who shall supply such number of copies as may be necessary to any local committee appointed by them, or to the managers of any certified efficient school in their district.

25. Any teacher making a charge for an entry in any of these forms not expressly sanctioned in these regulations, or refusing to make an entry from the school registers in a form presented to him for the purpose, will no longer be recognized by the education department as the teacher of a certified efficient school, and any certificate held by such teacher may be suspended or cancelled.

26. No certificate, purporting to be granted under these regulations, will be recognized unless given in one of the printed forms prescribed for the purpose by the education department.

27. In these regulations—

- (a.) The term “local authority” means a school board, or a school attendance committee (Elementary Education Act, 1876, ss. 7, 33).
- (b.) The term “local committee” means a committee, appointed by a school attendance committee, for a parish, or other area, in the district of such local authority (*ibid.* s. 32).
- (c.) The term “certified efficient school” means a public elementary school, and any elementary school which is certified by the education department to be an efficient school (*ibid.* s. 48).
- (d.) The term “attendance” means the attendance of a child at a morning or afternoon meeting of a school, during not less than two hours of instruction in secular subjects if above, or one hour and a half if under, seven years of age.

Honour Certificates.

II. With respect to the payment of school fees under the Elementary Education Act, 1876, on behalf of children who obtain certain certificates of proficiency and due attendance at school.

1. If a child attending a public elementary school, being less than eleven years of age at the yearly examination of the scholars of such school for annual grants, is certified in a form to be prescribed for the purpose by the education department,—

- (a.) To have passed in each of the three subjects of reading, writing, and arithmetic, in the standard fixed by the fourth or any higher standard of the code of the department; and

- (b.) To have made 350 attendances, after five years of age, in not more than two public elementary schools during each year, for two (a) previous years ;
- (c.) *The previous years referred to in Regulation 1 (b.) are the years immediately preceding the date of the scholar's examination.*
- (d.) *The fee paid for a child shall not exceed either 6d. a week, or such fee as would have been paid for the child but for this order.*
- (e.) *No fee shall be charged for a child in addition to the fee paid for it under this order.*

The school fee charged for such child at any public elementary school in the course of the next three years, may be paid by the department.

2. Not more than ten per cent. of the children above seven years of age presented for examination in a school, in any year, shall become entitled to payment of their fees under this order, and if the children qualified for such payment exceed the said percentage, those who have attended the greatest number of times shall have the preference.

3. The continuance of the payment of the fee for a child shall be conditional upon the child (a.) attending one school in each school year for not less than 350 attendances in the year (b.), obtaining at the end of the year a certificate of proficiency in reading, writing, and elementary arithmetic, according to a standard higher than the standard passed at the end of the previous year, and (c.) passing in one of the specific subjects of secular instruction contained in the fourth schedule in the code of the education department.

(a.) *The payment of the fee for a child at the end of any year shall be subject to the same conditions as those which affect the continuance of the payment of the fee for the ensuing year.*

(b.) *Special allowance will be made by the inspector in examining scholars when, from a change in the yearly date of inspection, the school has not been open 400 times in the year (Article 13 of code).*

4. For the purposes of this order there shall be deemed to be a seventh standard in the code of the department, comprising a thorough proficiency in reading, writing, and elementary arithmetic, as prescribed by the six standards set forth in the 28th

(a) In 1879 this will be raised to *three*, in 1880 to *four*, and in 1881 to *five* years.

Article of that code, with the addition of interest (simple and compound).

5. Every school by previous attendance at which a child is qualified for obtaining the payment of fees, and the school at which the fees are paid by the department, shall be a school, or a department of a school, at which the ordinary school fee does not exceed 6d. a week.

(a.) The ordinary school fee shall be held to exceed 6d. a week if more than twenty per cent. of the children attending the school pay more than that sum.

6. The school at which a child's fee is paid need not be the same as that at which the examination qualifying the child for such payment was passed.

7. The fees paid under this order shall be paid to the managers, at the same time with the grant, under the code of the department, and are to be reckoned as school pence, for the purposes of Article 32 (a.) of that code.

8. A special certificate of honour will be granted by the department to every child who becomes qualified for payment of fees under this order.

9. *A child does not forfeit an honour certificate by moving from one school to another in the course of a year; but no fee can be paid by the department until the child has made 350 attendances in the second school.*

F. R. SANDFORD,
Secretary.

FORMS OF CERTIFICATES.

CERTIFICATE OF AGE.

ELEMENTARY EDUCATION ACT, 1876.

CERTIFICATE OF AGE.

Name of child _____
 Residence _____
 Born at _____
 On _____ day of _____ 18____
 As certified by _____
 Date _____ day of _____ 187____
 Signature _____

District of the (a) _____ of the (b) _____
 of _____ in the County of _____
 _____ (Name of Child) residing at _____
 was born at _____ on the _____ day of _____ 18____, as
 certified by _____ Registrar of the District of _____
 Signed this _____ day of _____ 187____
 (c) _____
 (d) _____

(a) School Board, or
 (b) Borough, Parish,
 (c) Signature of Clerk
 (d) State the office of

Authority of the District.
 is of Local Authority.

CERTIFICATE OF SCHOOL ATTENDANCE.

ELEMENTARY EDUCATION ACT, 1876.

CERTIFICATE OF SCHOOL ATTENDANCE.

Name of Child _____
 Residence _____
 _____ (a) School.

I hereby certify that the following particulars with respect to the Attendances made by the Child named below, at this School after attaining the age of 5 years, are correctly taken from the Registers of the School.

Name in full and Residence of Child.	Number of Attendances made within the 12 months ending the 31st December.
--------------------------------------	---

Attendances within the 12 months ending 31 Dec.,

187
187
187
187
187

Date _____ day of _____ 187--

Signature _____

Signed this _____ day of _____ 187 .

Principal Teacher of the above-named School.

(a) Enter name in full, and state whether a Public Elementary, or Certified Efficient School.

CERTIFICATE OF SCHOOL ATTENDANCE.

ELEMENTARY EDUCATION ACT, 1876.

CERTIFICATE OF SCHOOL ATTENDANCE.

Name of Child _____
Residence _____

District of the (a) _____ of the (b) _____ of _____ in the
County of _____

I hereby certify that the following particulars with respect to the
School Attendance _____
age of 5 years, or _____
Authority of this Local _____

School attended.	Attendances within the 12 months ending 31st Dec.
	187
	187
	187
	187
	187

Name in full and Residence of Child.	Name of Schools attended by Child.	Number of Attendances made within the 12 months ending 31st Dec.
		187
		187
		187
		187
		187

Signed this _____ day of _____ 187____
(c) _____
(d) _____

Date _____ day of _____ 187____
Signature _____

(a) School Board, or School Attendance Committee.
(b) _____
(c) _____
(d) _____
or, or Sanitary Authority.
other Officer of the Local Authority of the District.
person who signs; and name of Local Authority.

CERTIFICATE OF PROFICIENCY.

ELEMENTARY EDUCATION ACT, 1876.

CERTIFICATE OF PROFICIENCY.

Name of Child _____
 Residence _____
 Age last birthday _____
 No. of Schedule _____
 No. on Schedule _____
 Date _____ day of _____ 187—
 Signature _____

I do hereby, in pursuance of authority for that purpose delegated to me under the hand of _____, H.M. Inspector of Schools, certify that _____ residing at _____ aged _____ (last birthday) has reached the _____ Standard of Proficiency fixed by the Code of the Education Department.
 Signed this _____ day of _____ 187 .

Office (a) of person }
 certifying. }

(a) e.g. Teacher of _____ Public Elementary, or Certified Efficient School; or Clerk, (or Officer) of the School Board, or School Attendance Committee, or Local Committee of _____ County of _____

FORM OF CHILD'S SCHOOL BOOK.

District of the (a) _____
of the (b) _____ of _____
in the County of _____
_____ { *Name of*
Child.

residing at _____
 was born at _____ on the _____
 day of _____ 18—, as certified
 by _____
 Registrar of the District of _____

Signed _____ (c)

_____ (d)

N.B.—This Book, on the child's admission to a Certified Efficient School, is to be given to the teacher, who will keep it, and, at the end of every year, make an entry of the child's attendances (after 5 years of age), and progress (after 7) during the year. The book will be given back, duly made up, when the child leaves the school; and the child may claim the use of it, for reasonable time, when qualified for, and seeking, half-time employment.

- (a) School Board, or School Attendance Committee.
(b) Borough, Parish Union, or Sanitary Authority.
(c) Signature of Clerk or other officer of the Local Authority of the District, or of principal teacher of a Certified Efficient School.
(d) State the office of the person who signs; and name of Local Authority, or of School.

CONDITIONS OF EMPLOYMENT.

I. No person may take into employment a child under 10 years of age.

II. Between 10 and 14 years of age, the conditions of a child's employment are fixed—

A. In Districts with byelaws, by the byelaws of each district.

These affect children up to 13 years of age ; between 13 and 14, a child falls under the general provisions of the Act of 1876, quoted below.

B. In other Districts,

1. In factories and workshops, by the special Acts regulating such employment.

2. In general labour, by the Elementary Education Act, 1876, according to which,

No child may be employed who does not hold a certificate of proficiency, or previous attendance at school, according to the following standards.

During the year.	The standard of proficiency, shall be the standard of Reading, Writing, and Arithmetic, fixed by the following standard of the Code of 1876, or any higher standard, namely—	The standard of previous due attendance shall be	
		The following number of attendances.	In not more than two certified efficient schools during each year for the following number of years, whether consecutive or not.
1877	Two	250	Two
1878	Two	250	Two
1879	Three	250	Three
1880	Three	250	Four
1881 and after }	Four	250	Five

**XVII. REGULATIONS AS TO THE ATTENDANCE AT
SCHOOL OF SOLDIERS' AND MARINES' CHILDREN.**

**ATTENDANCE OF SOLDIERS' CHILDREN AT PUBLIC
ELEMENTARY SCHOOLS.**

**RETURN (PURSUANT TO AN ADDRESS OF THE HOUSE OF LORDS,
DATED 21ST FEBRUARY, 1878), OF REGULATIONS NOW IN
FORCE WITH REFERENCE TO THE ATTENDANCE OF SOLDIERS'
CHILDREN AT PUBLIC ELEMENTARY SCHOOLS.**

(Specially issued 12th June, 1878.)

**GENERAL ORDER BY HIS ROYAL HIGHNESS THE FIELD-MAR-
SHAL COMMANDING-IN-CHIEF.**

*G.O. 53—Attendance of Soldiers' Children at other than Army
Schools.*

I. Soldiers married with leave, who are quartered at stations where there are army schools, will be required to send their children to the school of the regiment or garrison.

II. Soldiers of any denomination are, however, entitled to claim the right, on conscientious grounds, to send their children to a denominational school. In such cases the father will be required to defray the cost of the school fees.

III. When troops are stationed at places where no army schools exist, the children of soldiers married with leave will attend some certified efficient, or inspected school. Soldiers will be permitted to send their children to such schools of their own religious denomination.

IV. In the cases referred to in paragraph III., the school fees will, in accordance with Clause 118, Army Circulars, 1878, be defrayed by the public.

V. In the case of denominational schools, referred to in paragraph III., the school to which the children of each denomination will be allowed to be sent will be one and the same for each garrison.

VI. It will be the duty of commanding officers in all cases to take care that the children of soldiers married with leave attend some school.

ATTENDANCE AT SCHOOL OF SOLDIERS' CHILDREN. 351

VII. So much of section 9, paragraph 25, of the "Queen's Regulations and Orders for the Army, 1873," as relates to the attendance of soldiers' children at army schools, is hereby cancelled.

By command,
C. H. ELLICE, A. G.

CLAUSE 118, ARMY CIRCULARS, 1878.

Attendance of Soldiers' Children at other than Army Schools.

1. When the children of soldiers married with leave attend some certified efficient, or inspected school, in consequence of there being no army school at the station, the ordinary school fees will be admitted as a charge against the public.

2. The charge will be supported by a certificate, signed by the officer commanding, and by one of the school managers, that the ordinary school fees only have been charged.

3. The cost of the books and other school materials will also in such cases be admitted as a charge against the public, vouched in the paymaster's accounts by a certificate from the commanding officer that the books and other articles were actually and necessarily supplied, and by the receipt of the school management for the money charged.

Section 9, paragraph 25, of the "Queen's Regulations and Orders for the Army, 1873 :"—

"Commanding officers of corps are to give every countenance and support to the schools by encouraging as much as possible the attendance at school of non-commissioned officers and men, and by requiring that all married soldiers shall send their children to the school of the regiment or garrison, on pain of being liable to be deprived of the privileges attendant on the residence of their wives in barracks."

BURY.

War Office, 17th June, 1878.

REGULATION AS TO CERTIFICATES OF PROFICIENCY.
(Marine Schools.)

ELEMENTARY EDUCATION ACT, 1876, SECT. 24.

Presented to both Houses of Parliament by Command of
Her Majesty.

At the Council Chamber, Whitehall, the 14th day of April, 1880.

*By the Lords of the Committee of Her Majesty's Most
Honourable Privy Council on Education.*

The Lords of the Committee of Privy Council on Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Act of 1876, and of every other power enabling them in this behalf, do order, and it is hereby ordered,—
With respect to certificates of proficiency, for the purposes of the Elementary Education Act, 1876.

In the case of *marine schools*, certified to be efficient by the lords commissioners of the admiralty.

Certificates of proficiency will be granted to scholars attending these schools, being children of the non-commissioned officers and privates of the royal marine forces, after examination, by the inspector of naval schools, and not by Her Majesty's inspectors, or their assistants.

XVIII. TEACHERS' PENSIONS.

MINUTE OF THE COMMITTEE OF COUNCIL ON EDUCATION, DATED 26TH JUNE, 1875, AS MODIFIED BY THE MINUTE OF 26TH JULY, 1875, FIXING THE CONDITIONS UNDER WHICH PENSIONS MAY BE GRANTED TO CERTAIN TEACHERS.

At the Council Chamber, Whitehall, the 26th day of June, 1875.

By the Lords of the Committee of Her Majesty's Most Honourable Privy Council on Education in England and Scotland.

Read :—

(1.) The minutes of 25th August and 21st December, 1846, and 6th August, 1851 :—

25th August, 1846.

“Resolved :—That it is expedient to make provision in certain cases, by a retiring pension, for schoolmasters and schoolmistresses who, after a certain length of service, may appear entitled to such provision.

“That the lord-president cause regulations to be framed respecting the grants of such retiring persons.”

21st December, 1846.

“A retiring pension may be granted by the committee of council to any schoolmaster or schoolmistress who shall be rendered incapable by age or infirmity of continuing to teach a school efficiently.

“Provided that no such pension shall be granted to any schoolmaster or schoolmistress who shall not have conducted a normal or elementary school for 15 years, during seven at least of which such school shall have been under inspection.

“In all cases of application for pensions a report shall be required from the inspector, and from the trustees and managers of the schools, as to the character and conduct of the applicants, and the manner in which the education of the pupils under their charge has been carried on.

“The amount of the pension shall be determined according to such report, but shall in no case exceed two-thirds of the average amount of the salary and emoluments annually received by the applicant during the period that the school has been under inspection.

“A minute of the grant of every such pension, and of the grounds on which it has been awarded, shall be published in their lordships' minutes.

6th August, 1851.

“ Read :—A former minute, dated 31st December, 1846 (as above).

“ Resolved :—That the foregoing minute be declared to have been intended to facilitate the appointment of competent successors in the place of meritorious but incapacitated teachers, whose removal might, by such assistance, be effected in a manner consistent with their claims on the public.

“ That in order to define the extent of the charge to be created on the parliamentary grant for education, the pensions to be awarded, pursuant to the minute of the 21st December, 1846, be as follows :—

				£
270	{	20 pensions of 30 <i>l.</i> each...	...	600
		100 pensions of 25 <i>l.</i> each...	...	2,500
		150 pensions of 20 <i>l.</i> each...	...	3,000
		Donations or special gratuities	...	400
				<hr/>
				£6,500

“ That in order to give precedence to the most deserving cases, all applications for retiring pensions be collected for comparison, and decided according to their respective merits, not oftener than twice in each year, until the foregoing list be completed, and thenceforth only as vacancies in it shall occur.

“ That the pension be liable to be withdrawn on such proof as shall be satisfactory to their lordships that the pensioner has been guilty of misconduct, or possesses sufficient means of livelihood from other sources.”

(2.) The minutes of the 29th of July, 1861, and the 9th of May, 1862, introducing and confirming the revised code, and cancelling the Code of 1860, in which (Articles 164—171) the minutes of 1846 and 1851 were embodied.

(3.) The evidence taken by a select committee of the House of Commons, appointed in 1872, “to inquire whether, by a deduction from the parliamentary grant in aid of public elementary schools, or by any other like means, a provision can be made for granting annuities to certificated teachers of such schools, upon their retirement by reason of age and infirmity,” with the following extract from their report :—

“ Your committee wish to guard against the further growth or continued existence of certain expectations which have arisen in the minds of some teachers, from a misapprehension of the minutes of the committee of council on education, dated 25th August and 21st December, 1846, by means of which power was taken to award

pensions to teachers, but only in 'certain cases,' on the fulfilment of specified conditions both by the teacher and by the school, and always at the discretion of the committee of council.

"Some of the witnesses have informed your committee that many teachers have regarded these minutes as a promise of pensions to all teachers who fulfilled the conditions therein laid down.

"Your committee are, however, of opinion that these minutes of 1846 were not intended to hold out any such promise, but that their true construction is that which is put on them by the minutes of 6th August, 1851, and the circular letter of October, 1851, namely, that the committee of council on education took power, but did not pledge themselves to grant pensions."

(4.) Various representations addressed to the education department, praying that the promises held out by the minutes of 1846 and 1851 may be fulfilled, in the case of teachers who entered the profession before the revised code was introduced.

Their lordships, while declining to admit that the minutes of 1846, gave any teacher a vested right to claim a pension, even before these minutes were explained by the committee of council in 1851, or that the establishment of a general system of teachers' pensions, at the public cost, is now called for, decided that, having regard to "the expectations of those who became teachers while the minutes relative to pensions remained in force, and who entered the service in the hope of receiving pensions"—it is advisable to add the following articles to the codes now in force in England and Scotland respectively :—

A limited number of pensions will be granted, on the following conditions, to teachers who were employed in that capacity when the minutes relating to pensions were cancelled :—

1. The proposed pensioner must—

(a.) Be a certificated teacher in a public elementary school or training college at the time when the pension is applied for.

(b.) Have become incapable, from age or infirmity, of continuing to teach a school efficiently.

(c.) Have been employed continuously, since the 9th of May, 1862, as principal or assistant teacher in elementary schools.

(d.) Be recommended by Her Majesty's inspector, and the managers of the school served in.

(e.) Be 60 years of age (if a man), or 55 (if a woman), unless the pension is applied for on the ground of failure of health.

2. Pensions will be granted to those teachers only who have been, during the seven years preceding the application on their behalf, in charge of schools under inspection, and are in need, and deserving of such assistance.

3. Applications for a pension will be received only from the managers of the school in which the teacher is serving at the date of retirement.

4. These applications will be collected for decision, on their comparative merits, twice a year, about Lady Day and Michaelmas.

5. Teachers who entered on the charge of a school before 1851, will be regarded *cæteris paribus*, as having the first claim.

6. The maximum number and value of pensions receivable at one time, in England and Scotland together, and including the pensions now current, will be as follows :—

				£
270	{	20 pensions of 30 <i>l.</i> each...	... ..	600
		100 pensions of 25 <i>l.</i> each...	... ..	2,500
		150 pensions of 20 <i>l.</i> each...	... ..	3,000
				<hr/>
				6,100
Donations or special gratuities (each year) ...				400
				<hr/>
				£6,500
				<hr/>

7. The pension will be paid yearly, on certificates proving identity, good behaviour, and continued need.

XIX. EDUCATION OF OUT-DOOR PAUPER CHILDREN (*a*)

CIRCULARS OF LOCAL GOVERNMENT BOARD AS TO ELEMENTARY EDUCATION ACT.

The following letters have been addressed by the local government board to the several boards of guardians :—

Local Government Board, Whitehall, S.W.,
30th December, 1873.

Sir,--I am directed by the local government board to call the attention of the guardians to the Act of the last session of parliament, 36 & 37 Vict. c. 86, entitled "An Act to amend the Elementary Education Act, 1870, and for other purposes connected therewith," which contains provisions affecting their duties in the administration of relief.

The guardians will remember that provisions were made by the statute 18 & 19 Vict. c. 34 (Denison's Act), for the education of pauper children relieved out of the workhouse.

Those provisions were explained in a circular letter from the poor law board, dated January 9th, 1856, which is printed in the

(*a*) 43 & 44 Vict. c. 23, s. 5, contains an amendment of 39 & 40 Vict. c. 79, s. 10, as to education being a condition of relief to parents of children.

appendix to the 9th annual report of that board, and they also formed the subject of a circular letter, dated 22nd July, 1872, which is printed in the 2nd annual report of the local government board.

I am now to state that by sect. 3 of the Act of the last session Denison's Act is repealed from the 1st of January, 1874.

The section then proceeds to enact that "where relief out of the workhouse is given by the guardians or their order by way of weekly or other continuing allowance to the parent of any child between five and thirteen years of age, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief, if any, as may be necessary for such purpose."

This enactment is, however, subject to the following exceptions :—

- (1.) Where there is some reasonable excuse, within the meaning of sect. 74 of the principal Act (*i. e.*), of 33 & 34 Vict. c. 75, the Elementary Education Act, 1870.
- (2.) Where the child has reached some standard of education as may from time to time be fixed for the purpose of this Act, so far as regards any district in which byelaws under sect. 74 of the principal Act are in force, by any such byelaw, and in any other district by a minute of the education department.
- (3.) Where the child is employed in pursuance of a certificate under "The Agricultural Children Act, 1873," and is not attending school.

The section then provides, that "Any such relief to a parent as above mentioned shall not be granted or refused, on condition of the child attending any public elementary school other than such as may be selected by the parent.

But the amount of the sum to be paid for the education of the child is subject to the limitation that "the guardians shall not have power under this section to give any relief to a parent, in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than one farthing for each attendance at such school as defined by the minutes of the education department for the time being in force with respect to the government grant."

With regard to the fund to be charged with this relief, the same section enacts, that "all relief given by guardians under this section shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the 'Metropolitan Poor Act, 1867' (*i. e.*, 30 & 31 Vict. c. 6), shall be deemed to be expenses repayable from the metropolitan

common poor fund within the meaning of sect. 69 of that Act, and shall be repaid to such guardians accordingly."

It will be seen that this section applies exclusively to children between five and thirteen years of age, this period being substituted for that fixed by 18 & 19 Vict. c. 34, which related to children between the ages of four and sixteen.

Under the last-mentioned Act the guardians were enabled to exercise a discretion in regard to the allowance of relief for the purpose of securing education for pauper children relieved out of the workhouse ; but by the present Act that discretion is removed, and the guardians are required to see that all such children, except where they fall within one or more of the exceptions above set forth, are duly educated in the branches of elementary education above expressed.

The statute prevents the guardians from granting any continuous out-door relief when the child is not placed at a school where such education can be obtained, and is not within one of the exceptions. As a consequence of this enactment, it is provided that the guardians shall give such relief, if any, in addition to the ordinary relief, as may be necessary to enable the parent or person having the custody of the child to pay the school fee. They will of course not do so when the fee is paid from some other source.

Though the ordinary school fee is to be paid, there is, as already stated, a limit to the amount, inasmuch as not more than one farthing is to be paid for each attendance at such school, as defined by the minutes of the education department for the time being in force, with respect to the government grant.

Those minutes, according to the last edition of the code of that department, provide as regards the attendance at elementary schools, that at a morning or afternoon meeting the scholar must be under instruction in secular subjects not less than *two hours* ; and in the case of an evening school, not less than *one hour and a half*. No attendance is to be reckoned in an evening school where the child is under *twelve* years of age.

The guardians will perceive that the parent is to have the right to select the particular school for his or her child, so that as long as the child is sent to some public elementary school, the guardians cannot object to it.

The guardians will also observe that the Act only applies to cases where paupers are in receipt of weekly or other continuing relief ; it does not apply to cases of casual relief, nor to cases where relief is given on an occasional event and then discontinued. But if the guardians shall have given an order for out-door relief to be continued for a period, and the education of the child is either not procured, or, having been procured, is allowed to cease, such relief must be forthwith discontinued, and only renewed

upon sufficient assurance that the statutory condition of the child being sent to and kept at school will be duly observed.

Sect. 4 gives the local government board "the like powers with respect to guardians acting under, and relief given in pursuance of this Act, as they have, with respect to guardians acting under, and relief given in pursuance of the Acts relating to the relief of the poor, and relief given in pursuance of this Act, shall be deemed to be relief within the meaning of those Acts."

From this section, it follows, that whatever regulations have been issued in regard to the administration of out-door relief, will apply to the relief which is given to provide for the education of the pauper children under the provisions of this Act.

The same rule will apply to the case of any orders which may be issued hereafter to regulate out-door relief.

The board will now make some remarks with reference to the exceptions contained in the 3rd section:—

(A.) There may be a reasonable excuse within the meaning of 33 & 34 Vict. c. 75, s. 74.

That section sets out the three following grounds as reasonable excuses:—

"(1.) That the child is under efficient instruction in some other manner.

"(2.) That the child has been prevented from attending school by sickness or any unavoidable cause.

"(3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the byelaws may prescribe."

(B.) The second exception relates to educated children.

They are such as have reached such a standard of education as may be prescribed by the byelaw of the school board of the district in which they are resident.

And where there is no such byelaw the standard must be such as shall have been prescribed by a minute of the education department.

(C.) The third exception arises out of the "Agricultural Children's Act (1873)," 36 & 37 Vict. c. 67; but that Act will not come into operation until the 1st day of January, 1875.

The guardians must satisfy themselves that the reasonable excuse relied upon, under the first exception, is established, and for this purpose they should require their relieving officer to examine carefully and strictly into the circumstances of the case, and to supply such information as will enable them to form a correct judgment in the matter.

As regards the second class of exceptions, the board inclose a copy of the minute of the education department, fixing the standard of education required (a); but as this standard is liable to be varied in school board districts by byelaws, the board recommend the guardians to apply to every school board within their union for copies of their byelaws relating to this subject.

The last matter which the board have to notice relates to the payment of the school fees.

The guardians can direct the relieving officer to pay the requisite amount to the parent or other person having charge of the child when the weekly relief is paid, so that the fee may be paid to the managers of the school, or the schoolmaster or mistress, by the parent or person receiving it. The Act seems to contemplate that the further relief required for this purpose shall be paid to the parent or other person having charge of the child when the ordinary weekly relief is paid; but as the legality of the continuance of any out-door relief granted to the parent is made dependent upon the condition that elementary education is given to the child, the board recommend that the guardians should adopt precautions for satisfying themselves from time to time that the several children whose school fees are provided by them, duly attend some school; and they suggest that some arrangements should be made with the managers of the school, or the schoolmaster or mistress, to certify on cards or tickets—to be supplied by the guardians—the number of attendances given each week, such cards to be produced to the relieving officer as vouchers for the requisite payments on account of such attendances.

At the same time the board desire me to add, that they will be ready to advise with the guardians as to any other practical suggestion which they may make, with the view of carrying the intentions of the legislature into effect.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,
Secretary.

Local Government Board, Whitehall, S.W.,
30th March, 1874.

Sir,—I am directed by the local government board to advert to their circular letter dated the 30th December, 1873, on the subject of the Act 36 & 37 Vict. c. 16, and the elementary education of pauper children.

(a) For the minute referred to, see p. 363.

The board in that letter made some remarks with reference to the exceptions as to the attendance of children at school, contained in the 3rd section of the Act, and they inclosed a copy of the minute of the education department, dated the 23rd December, 1873, fixing the standard of education required to excuse the attendance at school of the children of persons receiving continuous out-door relief.

The education department having reconsidered the subject, have, by a minute dated the 18th March, 1874, substituted the third standard of the Code of 1873 for the fifth standard which was prescribed by the former minute.

A copy of the minute of the education department, dated the 18th March, 1874, is forwarded herewith for the information of the guardians, who will observe that it fixes the third standard for the years 1874 and 1875 only. The board learn from the education department that they will fix a higher standard of education for the subsequent years; and in order to enable that department to determine what standard shall be so fixed, they have requested this board to furnish them at the end of the current year with information as to the number of children who may be exempted from attendance at school as having reached the third standard. The board therefore must request the guardians to keep such a record of these cases as will enable them hereafter to supply the information required.

In connection with the circular already referred to, the board have been applied to in several instances for answers to the following questions, viz. :-

1. Whether in order to empower the guardians to grant continuous out-door relief to the parents, it is necessary that any child, within the prescribed limits of age, and not within the exceptions provided for, should be sent to a public elementary school, as defined by sect. 7 of the Act of 1870.

2. Whether, if any such child is regularly employed at work, or is at service, such child must be taken from the work, or employment, and sent to school.

1. With reference to the first of these questions the board have been in communication with the education department, who have expressed the opinion, that in order to satisfy the requirements of sect. 3 of the Act of 1873, it is necessary that the attendance of the child when the school fees are paid by the guardians, should be at a public elementary school, by which is meant a school conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant, and in which the arrangements with respect to

religious instruction and observances are in accordance with the provisions of sect. 7 of the Act of 1870. If the child should be under efficient instruction elsewhere than in a public elementary school that would be "a reasonable excuse," and the guardians could grant out-door relief to the parent, although they would have no statutory authority for paying the school fees for the child.

2. With regard to the children employed in work or in service it appears to the board that if such children come within the provisions of any Act for regulating the education of children employed in labour and are under efficient instruction for the times required by those Acts, there is in those cases a reasonable excuse which brings the children within one of the exceptions specified in sect. 3 of the Act of 1873. In other cases, however, the regular attendance at school cannot be dispensed with if the parent is to receive continuing out-door relief on the order of the guardians.

I am, Sir,
Your obedient Servant,
JOHN LAMBERT,
Secretary.

Local Government Board, Whitehall, S.W.,
15th February, 1876.

Sir,—I am directed by the local government board to advert to the circular letter which they addressed on the 30th March, 1874, to the several boards of guardians respecting the provisions of sect. 3 of the Elementary Education Act, 1873 (36 & 37 Vict. c. 86).

The board forwarded, with that letter, a copy of a minute of the education department, dated the 18th March, 1874, by which it was provided that as regards districts in which byelaws under sect. 74 of the Elementary Education Act, 1870, were not in force, the standard of education to be fixed for the purpose of sect. 3 of the 36 & 37 Vict. c. 86, should, during the years 1874 and 1875, be the 3rd standard prescribed by Article 28 of the Code of 1873.

The board have since been informed that on the expiration of the period to which the minute of the 18th of March, 1874, applied, the subject was again considered by the education department, and that by a minute dated the 31st of December, 1875, it is now provided that the standard of education for the purpose of

EDUCATION OF OUT-DOOR PAUPER CHILDREN. 363

the last-mentioned enactment shall *for the present* be the 3rd standard prescribed by Article 28 of the Code of 1875.

A copy of this minute is herewith forwarded for the information of the guardians.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,

Secretary.

MINUTE OF THE COMMITTEE OF COUNCIL ON EDUCATION FIXING THE STANDARD OF EDUCATION TO BE REQUIRED UNDER THE 3RD SECTION OF THE ELEMENTARY EDUCATION ACT, 1873 (a).

At the Council Chamber, Whitehall, the 31st day of December,
1875.

*By the Lords of the Committee of Her Majesty's most Honourable
Privy Council on Education.*

Read:—

That part of the 3rd section of the Elementary Education Act, 1873, which prescribes that,—

“Where relief out of the workhouse is given by the guardians or their order by way of weekly or other continuing allowance to the parent of any child between five and thirteen years of age, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall (unless either there is some reasonable excuse within the meaning of sect. 74 of the principal Act, or the child has reached such standard of education as may from time to time be fixed for the purpose of this Act, so far as regards any district in which byelaws under sect. 74 of the principal Act are in force by any such byelaw, and in any other district by a minute of the education department, or the child is employed in pursuance of a certificate under the ‘Agricultural Children Act, 1873,’ and is not attending school) be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.”

(a) The effect of this minute is modified by 43 & 44 Vict. c. 23, s. 5.

Resolved :—

That the standard of education to be fixed for the purpose of this section of the aforesaid Act, as regards districts in which bye-laws, under sect. 74 of the Elementary Education Act of 1870, are not in force, shall *for the present* be the 3rd standard prescribed by article 28 of the Code of 1875, viz.:—

Reading—A short paragraph from a more advanced (a) reading book.

Writing—A sentence slowly dictated once from the same book.

Arithmetic—Long division and compound rules (money).

(CERTIFICATES GRANTED TO TEACHERS BY EDUCATION
DEPARTMENT.

Local Government Board, Whitehall, S.W.,
13th March, 1876.

Sir,—The attention of the local government board having on several occasions been drawn to the difficulty in which the teachers in poor law schools are placed in regard to obtaining the certificates issued by the education department, the board have repeatedly brought the matter under the consideration of the Lords of the Committee of Council on Education, in order that the grievance might, if possible, be remedied.

Their lordships, after full consideration of the subject, have arrived at, and adhere to, the decision that they cannot issue such certificates except upon the report of an officer of their department as to the practical skill of the teachers to whom the certificates are granted.

Their lordships, however, have agreed to admit to examination for certificates, teachers in district and workhouse schools, who either—

“(1) Satisfy Article 47 (a) of the new code (1873); or

“(2) Are 21 years of age; have served with credit for at least two years in such schools; are recommended by the local government board; and hold at the date of the examination certificates of efficiency, or certificates of competency of the first class.”

In a letter dated the 31st July, 1875, their lordships further state, with reference to the complaints which have been made as

(a) *i.e.* more advanced than the “*Elementary Reading Book*” required by the 2nd standard of the same code.

to provisionally certificated teachers who have been trained in training colleges, not being qualified by their service in poor law schools for their parchment certificates, that, with the view of meeting these complaints, their lordships "have determined that if a student, on leaving a training college, is appointed to a situation as a teacher in a workhouse or district school, his service in that school (if not less than two years), will be taken into account, if he subsequently removes to a public elementary school. If he does so, my lords will be prepared to issue his parchment certificate on receiving a favourable report on his practical skill as a teacher from one of Her Majesty's inspectors, after his visit to a school in which the said teacher has been employed for a period of not less than three months before the date of the inspector's visit.

"The period of a teacher's service in a workhouse or district school will also be taken into account in subsequently revising his certificate, under Article 55 of the code.

"The teacher must produce and deliver to Her Majesty's inspector, for transmission to this office, certificates of good conduct and good service from the inspector of the local government board charged with the supervision of the schools in which he has been employed, and showing the dates and duration of his employment in such schools.

"These rules will also apply to female teachers."

In the event of any teacher, duly qualified under the regulations first referred to, desiring to sit for examination for a certificate at one of the examinations held in December at the several training schools, an application to that effect should be made by the teacher to the inspector of workhouse or district schools in the district, prior to the 1st of September in each year.

The board are desirous that these regulations should be generally made known to all teachers in poor law schools ; and they accordingly transmit two copies of them, and request that they may be mounted and hung up in the schoolrooms for the information of the teachers.

I am, Sir,

Your obedient Servant,

FRAS. FLETCHER,

Assistant Secretary.

To

The Clerk of the Guardians.

**REGULATIONS OF THE COMMITTEE OF COUNCIL ON EDUCATION
RELATIVE TO TEACHERS IN DISTRICT OR WORKHOUSE
SCHOOLS.**

1. The teachers in district and workhouse schools may be admitted to examination for the certificates issued by the education department, at the examinations held at the training schools in December in each year :

- (i.) Who satisfy Article 47 (A) of the Code 1873 :—that is, who have resided as students for one year in training schools under inspection ; or,
- (ii.) Who are twenty-one years of age ; have served with credit for at least two years in a district or workhouse school ; are recommended by the local government board ; and hold at the date of examination certificates of efficiency or certificates of competency of the first class.

2. If a student, on leaving a training college, is appointed to a situation as teacher in a workhouse or district school, his service in that school (if not less than two years) will be taken into account if he subsequently removes to a public elementary school. If he does so, their lordships will be prepared to issue his parchment certificate on receiving a favourable report on his practical skill as a teacher from one of Her Majesty's inspectors, after his visit to a school in which the said teacher has been employed for a period of not less than three months before the date of the inspector's visit.

The period of a teacher's service in a workhouse or district school will also be taken into account in subsequently revising his certificate, under Article 55 of the code.

The teacher must then produce and deliver to Her Majesty's inspector, for transmission to this office, certificates of good conduct and good service from the inspector of the local government board charged with the supervision of the schools in which he has been employed, and showing the dates and duration of his employment in such schools.

These rules will also apply to female teachers.

In the event of any teacher duly qualified according to Regulation No. 1 (i. and ii.), desiring to sit for examination for a certificate at one of the examinations held in December at the several training schools, an application to that effect should be made by the teacher to the inspector of workhouse or district schools in the district, prior to the 1st of September in each year.

By order of the local government board,

FRAS. FLETCHER,
Assistant Secretary.

**XX. GENERAL ORDER PRESCRIBING. FORM OF
REQUISITION FOR COPY CERTIFICATE OF
BIRTH, AND FIXING FEE.**

(Dated the 22nd February, 1877.)

ELEMENTARY EDUCATION ACT, 1876, s. 25.

**TO ALL SUPERINTENDENT REGISTRARS, AND
REGISTRARS OF BIRTHS AND DEATHS IN
ENGLAND AND WALES :—**

And to all others whom it may concern.

WHEREAS by section 25 of "The Elementary Education Act, 1876, it is enacted as follows :

"Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the local government board, and on payment of such fee, not exceeding one shilling, as the local government board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition."

Now therefore we, the local government board, in pursuance of the powers given by the statutes in that behalf, hereby order as follows :—

Article 1.—The requisition to be made to entitle any person to obtain a certified copy of an entry of a registry of birth under the section above cited, shall be in the form set forth in the schedule to this order ; and the fee to be paid to the registrar or superintendent registrar shall be sixpence for each such copy furnished by him under that section.

SCHEDULE.

THE ELEMENTARY EDUCATION ACT, 1876.

Requisition for a certified copy of an entry of birth for the purposes of the above Act, or for any purpose connected with the elementary education or employment in labour of a child.

To the superintendent registrar or registrar of births and deaths having the custody of the register in which the birth of the under-mentioned child is registered :—

I, the undersigned, hereby demand, for the purposes above mentioned, or some or one of them, a certificate of the birth of the child named in the subjoined schedule.

Christian name and surname of the child of whose age a certificate is required.	Name of the Parents of such child.		Where such child was born.	In what year such child was born.
	Father.	Mother.		

Dated this day of 18 .

Signature _____

Address _____

Occupation _____

Given under the seal of office of the Local Government Board, this twenty-second day of February, in the year one thousand eight hundred and seventy-seven.

G. SCLATER-BOOTH,
President.

JOHN LAMBERT,
Secretary.

XXI. GENERAL ORDER—REGULATIONS AS TO PROCEEDINGS OF GUARDIANS.

(Dated the 22nd March, 1877.)

ELEMENTARY EDUCATION ACT, 1876.

TO THE GUARDIANS OF THE POOR of the several unions named in the schedule B. to this order :—

And to all others whom it may concern.

WHEREAS by section 34 of the Elementary Education Act, 1876, it is enacted as follows :—

“All enactments relating to guardians and their officers and
“expenses, and to relief given by guardians, shall, subject to
“the express provisions of this Act, apply as if the guardians,
“including the school attendance committee appointed by
“them, and their officers acting under this Act, and expenses
“incurred, and money paid for school fees, and relief given
“under this Act, were respectively acting, incurred, and
“paid, and given as relief, under the Acts relating to the
“relief of the poor, and the Local Government Board may
“make rules, orders, and regulations accordingly ;”

And whereas by section 10 and section 35 of the said Act it is enacted as follows :

“The parent, not being a pauper, of any child, who is unable
“by reason of poverty to pay the ordinary fee for such child
“at a public elementary school, or any part of such fee, may
“apply to the guardians having jurisdiction in the parish in
“which he resides ; and it shall be the duty of such guar-
“dians, if satisfied of such inability, to pay the said fee, not
“exceeding threepence a week, or such part thereof as he is,
“in the opinion of the guardians, so unable to pay ;”

* * * * *

“Money given under this Act for the payment of school fees
“for any child of a parent who is not a pauper, and is resi-
“dent in any parish, shall be charged by the guardians
“having jurisdiction in such parish to that parish, with
“other parochial charges.”

And whereas it is expedient that regulations should be made under the above-cited enactments, so far as respects guardians of the poor and their officers :

Now, therefore, We, the Local Government Board, in pursuance of the powers given by the several statutes in that behalf, hereby

order as follows, with respect to each of the unions named in the Schedule B. to this order :

Article 1.—The guardians may, with the approval of the Local Government Board, appoint a person or persons or one or more of their officers, as inquiry officer or officers, to discharge the duties hereinafter prescribed with reference to applications by parents, not being paupers, for payment of school fees.

Provided that no person shall be so appointed who has not reached the age of twenty-one years.

Article 2. — Every such appointment shall be made by a majority of the guardians voting on the question.

Provided that no appointment shall be made unless a notice that the question of making such appointment will be brought before the guardians has been given and entered on the minutes, at one of their two ordinary meetings next preceding the meeting at which the appointment is made, or unless an advertisement giving notice of the consideration of such appointment shall have appeared in some public paper by the direction of the guardians at least seven days before the day on which such appointment is made: Provided also, that no such notice or advertisement shall be necessary for the appointment of an assistant or temporary substitute.

Article 3. — The guardians shall pay the inquiry officer or officers so appointed such remuneration, by annual salary or otherwise, as may be approved by the Local Government Board, and such remuneration shall be paid quarterly at the several quarters ending at the usual feast days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day, and if it be by annual salary it shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of "The Apportionment Act, 1870."

Article 4. — Every person appointed under this order shall hold office until he shall die, or resign, or be removed by the Local Government Board, or by the guardians with the assent of that board, or be proved to be insane by evidence which that board shall deem sufficient; and the guardians shall give notice to the Local Government Board of every such death or resignation, and state the cause of such resignation, so far as it may be known to them.

Article 5. — If any officer appointed under this order be at any time prevented by sickness or accident, or other sufficient reason, from performing his duties, the guardians may appoint a fit person to act as his temporary substitute, and may pay him a reasonable

compensation for his services ; and every such appointment shall be reported to the Local Government Board as soon as the same shall have been made.

Article 6.—The following shall be the duties of the inquiry officer :—

No. 1. To attend all such meetings of the guardians as they shall by any general or special directions require him to attend.

No. 2. To receive all applications for payment of school fees made to him by parents, not being paupers, residing within the district for which he is appointed to act, and forthwith to examine into the circumstances of every case by visiting the house of the applicant, and by making all necessary inquiries as regards the means of the applicant, and the other particulars required to be set forth in the Form No. 1 in the Schedule A. to this order.

No. 3. In cases where such applications are made to the guardians directly, to make a similar examination and inquiry, so far as he may be required by them to do so.

No. 4. To enter the particulars of each case in a book, to be termed the "School Fees Application and Report Book," and to be kept in the Form No. 1 set forth in the Schedule A. to this order, and to lay such book before the guardians at their ordinary meetings, and at any other meetings which he may be required to attend.

No. 5. To make such further inquiry into the several cases, from time to time, as the guardians by any general or special directions may require him to make.

No. 6. To perform the duties prescribed by Art. 10 of this order, when the school fees are required by the guardians to be paid by him, and to observe and execute all lawful orders and directions of the guardians applicable to his office.

Article 7.—The guardians shall, at their ordinary meetings, on receiving such applications as aforesaid, whether directly or through the inquiry officer, give the necessary directions thereon, and where any application is granted, shall also give directions as to the amount of the school fee to be paid and the time for which the payment is to be made. They shall also from time to time, as may be necessary, take into consideration the question of the continuance of any such payment ordered by them, and give directions thereon.

Provided that the guardians may, if they think fit, adjourn to any particular time or place for the more convenient hearing of such applications and deciding thereon.

Article 8.—The proceedings of the guardians under this order shall be entered on their minutes, and the order made by them with respect to each application for payment of school fees shall be entered by their clerk or by the presiding chairman in the said School Fees Application and Report Book, and also in a book to be termed the "School Fees Order Book," and to be kept in the Form No. 2 set forth in the said Schedule A.

Article 9.—The fees ordered to be paid as aforesaid shall be paid by the guardians, through the inquiry officer or otherwise, at such quarterly or other periods as may be agreed upon between them and the school board or school managers, subject to any deduction which may be required to be made in respect of the non-attendance at school of any child.

Article 10.—If the guardians pay the school fees through the inquiry officer, he shall duly and punctually make such payments to the school board or school managers, in accordance with the directions given to him by the guardians.

The inquiry officer shall in such case keep an account in the Form No. 3 in the Schedule A. to this order, to be termed the "School Fees Receipt and Payment Account, in which shall be entered all moneys received and paid by him on account of the guardians, under their proper dates. He shall balance this account once every month, or oftener if required by the guardians to do so, and shall submit it, with the proper vouchers, to the clerk to the guardians for examination, at such periods as they may appoint.

Article 11.—On the school fees receipt and payment account being submitted to the clerk as aforesaid, the clerk shall compare the entries of payments therein with the vouchers, and ascertain that the inquiry officer has debited the account with all sums received by him, and produces proper vouchers for all payments made by him. The clerk shall insert his initials at the foot of the account, and report to the guardians at their next meeting the result of his examination.

Article 12.—The books to be kept in pursuance of Article 8 of this order shall be submitted by the clerk to the guardians, and the account to be kept under Article 10, together with the proper vouchers, shall be submitted by the inquiry officer to the auditor of the union at the same times as the other books and accounts of the union are submitted for audit; and the auditor shall audit the same, subject to the regulations in force in the union for the time being in regard to the audit of accounts; which, both as regards the auditor and the officers concerned, shall, so far as they are applicable, apply to the said books and the said account.

Article 13.—The “School Fees Order Book” shall be included by the auditor in the statement which by any order in force in the union he is required to make at the close of each audit and to transmit to the Local Government Board, as respects the books of the clerk to the guardians, an addition being made to the form for that purpose, in the manner set forth in the Form No. 4 in the Schedule A to this order. A similar statement shall be made by the auditor with regard to the “School Fees Application and Report Book,” and the “School Fees Receipt and Payment Account,” such statement being appended to the form relating to the books of the relieving officer, in the manner set forth in the Form No. 5 in that schedule.

Article 14.—In this order,—

The term “guardians” includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term “union” means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

The term “child” means a child between the ages of five and fourteen years.

The term “parent” includes guardian and every person who is liable to maintain or has the actual custody of any child.

SCHEDULE A.

FORM No. 1.

School Fees Application and Report Book,

UNION. [PARISH OF _____.]

Parish of _____ [_____ District.]

No. of Case.	Date of the Application.	Name of Child in respect of whom Application is made.	Age of Child.	Name of Applicant, and if married, of _____, of _____.	Age of Applicant.	Relationship of Applicant to Child in respect of whom Application is made.	Place of Residence of Applicant.	Calling or Occupation of Applicant.	State whether Applicant is Single, Married, Widow, or Widower.	If ordinarily Able-bodied.	Whether partially or wholly Disabled, and if so, the Description of Disability.

FORM No. 2.

School Fees Order Book.

Quarter ending _____ 187____.

UNION. [PARISH OF _____.]

No. in School Fees Application and Report Book (if any).	Name of Child in respect of whom application is made.	Name of Parish where Applicant is resident.	Name or Number of District.	Public Elementary School selected by Applicant.	Amount of Weekly School Fees ordered to be paid by Guardians.	For what time ordered.	Other Orders of the Board (if any).

Dated this _____ day of _____ 187____, being 1
the _____ Week of the Quarter.

SCHEDULE A.

FORM No. 1.

for the Quarter ending _____ 187 .

Name of Inquiry Officer _____

Whether receiving any Payment from Clubs, Charitable Institutions, Government Pensions, or otherwise; such Payment, Pension, Allowance, or Contribution to be described, and the Amount stated.		Date of Visit at the Residence of Applicant.	Name of School which Child has attended, and time School has been so attended.	Name of Public Elementary School selected by Applicant.	Amount of ordinary weekly School Fee at School.	Amount of Fee or part of Fee ordered to be paid by Guardians.	For what Time the Fee or part of Fee is ordered to be paid.	Date when Order made.	Initials of Chairman or Clerk.	OBSERVATIONS.

FORM No. 3.

School Fees Receipt and Payment Account.

_____ UNION. [PARISH OF _____.]
[_____ District.] _____ Inquiry Officer.

RECEIPTS.				PAYMENTS.			
Date.	Name and Particulars.			Date.	Name and Particulars.		

Balanced _____ day of _____. (Signed) _____ Inquiry Officer.

FORM 4.

Audit District.

A Statement of the Auditor, in reference to the Books of
the Union, for the half-year ended 187 .

As to the Books required to be kept by the CLERK,
Mr.

By the TREASURER,
Mr.

By the COLLECTOR OF THE GUARDIANS,
Mr.

OBSERVATIONS.

	CLERK.
Minute Book.	
General Ledger.	
Non-settled Poor Ledger.	
Parochial Ledger.	
Relief Order Book.	
School Fees Order Book.	
Order Check Book.	
Pauper Classification Book.	
Petty Cash Book.	
	TREASURER.
The Treasurer's Book.	
	COLLECTOR OF THE GUARDIANS.
The Collector's Book.	
The audit of the above Books was concluded the day of 187 .	

Auditor.

Date 187 .

Against the name of any Book contained in this Statement which is not kept at all, or is imperfectly kept, the Auditor is to write in the former case "not kept," and the latter "imperfectly." In case of any book being imperfectly kept, the general nature of the imperfection is to be set forth *on the other side*, together with such observations as the Auditor considers requisite.

FORM No. 5.

Audit District.

A Statement of the AUDITOR, in reference to the Books of the
Officers of the UNION, for the half-year ended
187 .

As to the Books required to be kept by the RELIEVING OFFICER,
Mr.

By the INQUIRY OFFICER,
Mr.

OBSERVATIONS.

	RELIEVING OFFICER.
Application and Report Book	
Out-door Relief List.	
Out-door Relief List for Vagrants.	
Abstract of Out-relief List.	
Receipt and Expenditure Book.	
Quarterly Summary of Receipts and Expenditure.	
	INQUIRY OFFICER.
School Fees Application and Report Book.	
School Fees Receipt and Payment Account.	
<i>The audit of the above accounts was concluded the day of 187 .</i>	

Auditor.

Date

187 .

Against the name of any Book contained in this Statement which is not kept at all, or is imperfectly kept, the Auditor is to write in the former case "not kept," and in the latter "imperfectly." In case of any book being imperfectly kept, the general nature of the imperfection is to be set forth *on the other side*, together with such observations as the Auditor considers requisite.

SCHEDULE B.

UNIONS AND INCORPORATIONS.

Aberaeron.	Bedford.	Bristol.
Abergavenny.	Bedminster.	Brixworth.
Aberystwith.	Bedwellty.	Bromley.
Abingdon.	Belford.	Bromsgrove.
Alcester.	Bellingham.	Bromyard.
Alderbury.	Belper.	Buckingham.
Alnwick.	Berkhampstead.	Builth.
Alresford.	Berwick-upon-Tweed.	Buntingford.
Alton.	Beverley.	Burnley.
Altrincham.	Bicester.	Burton-upon-Trent.
Amersham.	Bideford.	Bury.
Amesbury.	Biggleswade.	Bury St. Edmunds.
Amptill.	Billericay.	
Andover.	Billesdon.	Caistor.
Anglesea.	Bingham.	Calne.
Ashbourne.	Birkenhead.	Cambridge.
Ashby-de-la-Zouch.	Bishop Stortford.	Camelford.
Ashton-under-Lyne.	Blaby.	Cannock.
Aston.	Blackburn.	Canterbury.
Atcham.	Blandford.	Cardiff.
Atherstone.	Blean.	Cardigan.
Auckland.	Blofield.	Carlisle.
Axbridge.	Blything.	Carmarthen.
Axminster.	Bodmin.	Carnarvon.
Aylesbury.	Bolton.	Castle Ward.
Aylsham.	Bootle.	Catherington.
Aysgarth.	Bosmere and Claydon.	Caxton and Arrington.
	Boston.	Cerne.
Bakewell.	Bourn.	Chailey.
Bala.	Brackley.	Chapel-en-le-Frith.
Banbury.	Bradfield.	Chard.
Bangor and Beaumaris.	Bradford (Wilts).	Cheadle.
Barnet.	Bradford (W. York).	Chelmsford.
Barnsley.	Braintree.	Cheltenham.
Barnstaple.	Bramley.	Chepstow.
Barrow-upon-Soar.	Brampton.	Chertsey.
Barton Regis.	Brecknock.	Chester.
Barton-upon-Irwell.	Brentford.	Chesterfield.
Basford.	Bridge.	Chester-le-Street.
Basingstoke.	Bridgend & Cowbridge.	Chesterton.
Bath.	Bridgnorth.	Chichester.
Battle.	Bridgwater.	Chippenham.
Beaminster.	Bridlington.	Chipping Norton.
Bedale.	Bridport.	Chipping Sodbury.

Chorley.	Dursley.	Grantham.
Chorlton.	Easington.	Gravesend and Milton.
Christchurch.	Easingwold.	Great Ouseburn.
Church Stretton.	Eastbourne.	Greenwich.
Cirencester.	Easthampstead.	Guildford.
City of London.	Eastry.	Guiltcross.
Clebury Mortimer.	East Ashford.	Guisborough.
Clitheroe.	East Grinstead.	
Clan.	East Preston.	Hackney.
Clutton.	East Retford.	Hailsham.
Cockermouth.	East Ward.	Halifax.
Colchester.	East and West Flegg.	Halstead.
Congleton.	Ecclesall Bierlow.	Haltwhistle.
Conway.	Edmonton.	Hambledon.
Cookham.	Elham.	Hardingstone.
Corwen.	Ellesmere.	Hartismere.
Cosford.	Ely.	Hartlepool.
Coventry.	Epping.	Hartley Wintney.
Cranbrook.	Epsom.	Haslingden.
Crediton.	Erpingham.	Hastings.
Crickhowell.	Eton.	Hatfield.
Cricklade and Wootton Bassett.	Eversham.	Havant.
Croydon.	Exeter.	Haverfordwest.
Cuckfield.	Falmouth.	Hawarden.
	Fareham.	Hay.
Darlington.	Faringdon.	Hayfield.
Dartford.	Farnham.	Headington.
Daventry.	Faversham.	Helmsley Blackmoor.
Depwade.	Festiniog.	Helston.
Derby.	Foleshill.	Hemel Hempstead.
Devizes.	Forden.	Hemsworth.
Dewsbury.	Fordingbridge.	Hendon.
Docking.	Forehoe.	Henley.
Dolgelly.	Freebridge Lynn.	Henstead.
Doncaster.	Frome.	Hereford.
Dorchester.	Fulham.	Hertford.
Dore.	Fylde, The.	Hexham.
Dorking.		Highworth & Swindon.
Dover.	Gainsborough.	Hinckley.
Downham.	Garstang.	Hitchin.
Drayton.	Gateshead.	Holbeach.
Driffield.	Glanford Brigg.	Holbeck.
Droitwich.	Glendale.	Holborn.
Droxford.	Glossop.	Hollingbourn.
Dudley.	Gloucester.	Holsworthy.
Dulverton.	Godstone.	Holyhead.
Dunmow.	Goole.	Holywell.
Durham.	Gower.	Honiton.
		Hoo.

Horncastle.	Liskeard.	Newcastle-in-Emlyn.
Horsham.	Llandilo Fawr.	Newcastle-under-Lyme.
Houghton-le-Spring.	Llandoverly.	Newcastle-upon-Tyne.
Howden.	Llanelly.	Newent.
Hoxne.	Llanfyllin	Newhaven.
Huddersfield.	Llanrwst.	Newmarket.
Hungerford.	Loddon and Clavering.	Newport (Monmouth).
Hunslet.	Longtown.	Newport (Salop).
Huntingdon.	Loughborough.	Newport Pagnell.
Hursley.	Louth.	Newton Abbot.
Ipswich.	Ludlow.	Newtown & Llanidloes.
Isle of Thanet.	Lunesdale.	New Forest.
Isle of Wight.	Luton.	New Winchester.
Keighley.	Lutterworth.	Northallerton.
Kendal.	Lymington.	Northampton.
Kettering.	Macclesfield.	Northleach.
Keynsham.	Machynlleth.	Northwich.
Kidderminster.	Madeley.	North Aylesford.
Kingsbridge.	Maidstone.	North Bierley.
Kingsclere.	Maldon.	North Witchford.
King's Lynn.	Malling.	Norwich.
King's Norton.	Malmesbury.	Nottingham.
Kingston.	Malton.	Nuneaton.
Kingston-upon-Hull.	Mansfield.	Oakham.
Kington.	Market Bosworth.	Okehampton.
Kirkby Moorside.	Market Harborough.	Oldham.
Knaresborough.	Marlborough.	Ongar.
Knighton.	Martley.	Ormskirk.
Lampeter.	Medway.	Orsett.
Lancaster.	Melksham	Oswestry.
Lanchester.	Melton Mowbray.	Oundle.
Langport.	Mere.	Oxford.
Launceston.	Meriden.	
Ledbury.	Merthyr Tydvil.	Pateley Bridge.
Leeds.	Middlesborough.	Pattingham.
Leek.	Midhurst.	Pembroke.
Leicester.	Mildenhall.	Penistone.
Leigh.	Milton.	Penrith.
Leighton Buzzard.	Mitford and Launditch.	Penzance.
Leominster.	Monmouth.	Pershore.
Lewes.	Morpeth.	Peterborough.
Lewisham.	Mutford & Lothingland	Petersfield.
Lexden and Winstree.	Nantwich.	Petworth.
Leyburn.	Narberth.	Pewsey.
Lichfield.	Neath.	Pickering.
Lincoln.	Newark.	Plomesgate.
Linton.	Newbury.	Plymouth.
		Plympton Saint Mary.

Pocklington.	Saint Olave's.	Stratton.
Pontardawe.	Saint Saviour's.	Stroud.
Pontefract.	Saint Thomas.	Sturminster.
Pontypool.	Salford.	Sudbury.
Pontypridd.	Samford.	Sunderland.
Poole.	Scarborough.	Swaffham.
Poplar.	Sculcoates.	Swansea.
Portsea Island.	Sedberg.	
Potterspury.	Sedgefield.	Tadcaster.
Prescot.	Seisdon.	Tamworth.
Preston.	Selby.	Tarvin.
Prestwich.	Settle.	Taunton.
Pwllheli.	Sevenoaks.	Tavistock.
	Shaftesbury.	Teesdale.
Radford.	Shardlow.	Tenbury.
Reading.	Sheffield.	Tendring.
Redruth.	Sheppey.	Tenterden.
Reeth.	Shepton Mallet.	Tetbury.
Reigate.	Sherborne.	Tewkesbury.
Rhayader.	Shifnal.	Thakeham.
Richmond (Surrey).	Shipston-on-Stour.	Thame.
Richmond (N. York).	Skipton.	Thetford.
Ringwood.	Skirlagh.	Thingoe.
Ripon.	Sleaford.	Thirak.
Risbridge.	Smallburgh.	Thornbury.
Rochdale.	Solihull.	Thorne.
Rochford.	Southam.	Thrapston.
Romford.	Southampton.	Ticehurst.
Romney Marsh.	South Molton.	Tisbury.
Romsey.	South Shields.	Tiverton.
Ross.	South Stoneham.	Todmorden.
Rothbury.	Southwell.	Tonbridge.
Rotherham.	Spalding.	Torrington.
Royston.	Spilsby.	Totnes.
Rugby.	Stafford.	Towcester.
Runcorn.	Staines.	Tregaron.
Ruthin.	Stamford.	Truro.
Rye.	Stepney.	Tynemouth.
	Steyning.	
Saffron Walden.	Stockbridge.	Uckfield.
Saint Alban's.	Stockport.	Ulverstone.
Saint Asaph.	Stockton.	Uppingham.
Saint Austell.	Stokesley.	Upton-upon-Severn.
Saint Columb Major.	Stone.	Uttoxeter.
Saint Faith.	Stourbridge.	Uxbridge.
Saint George's.	Stow.	
Saint Germans.	Stow-on-the-Wold.	Wakefield.
Saint Ives.	Strand.	Wallingford.
Saint Neot's.	Stratford-upon-Avon.	Walsall.

Walsingham.	Westminster.	Wincanton.
Wandsworth and Clapham.	West Ashford.	Winchcombe.
Wangford.	West Bromwich.	Windsor.
Wantage.	West Derby.	Winslow.
Ware.	West Firle.	Wirrall.
Wareham and Purbeck.	West Ham.	Wisbeach.
Warminster.	West Hampnett.	Witham.
Warrington.	West Ward.	Witney.
Warwick.	Wetherby.	Woburn.
Watford.	Weymouth.	Wokingham.
Wayland.	Wharfedale.	Woolstanton and Burn- lem.
Weardale.	Wheatenhurst.	Wolverhampton.
Wellingborough.	Whitby.	Woodbridge.
Wellington (Salop).	Whitchurch (Salop).	Woodstock.
Wellington (Somerset).	Whitchurch (South- ampton).	Woolwich.
Wells.	Whitechapel.	Worcester.
Welwyn.	Whitehaven.	Worksop.
Wem.	Wigan.	Wortley.
Weobly.	Wigton.	Wrexham.
Westbourne.	Williton.	Wycombe.
Westbury.	Wilton.	
Westbury and Whorwelsdown.	Wimborne and Cran- borne.	Yeovil. York.

SINGLE PARISHES.

Alston-with-Garrigill.	Saint John, Hampstead.
Alverstone.	Saint Leonard, Shoreditch.
Barrow-in-Furness.	Saint Luke, Chelsea.
Birmingham.	Saint Marylebone.
Brighton.	Saint Mary Abbott's, Kensington.
East Stonehouse.	Saint Mary, Kensington.
Great Yarmouth.	Saint Mary, Islington.
Liverpool.	Saint Mary, Lambeth.
Manchester.	Saint Mary and Saint Andrew, Whittlesea.
Mile End Old Town.	Saint Matthew, Bethnal Green.
Paddington.	Saint Pancras.
Saddleworth.	Stoke Damerel.
Saint George-in-the-East.	Stoke-upon-Trent.
Saint Giles-in-the-Fields and Saint George, Bloomsbury.	Toxteth Park.
Saint Giles, Camberwell.	

Given under the seal of office of the Local Government Board,
this twenty-second day of March, in the year one thousand
eight hundred and seventy-seven.

JOHN LAMBERT, *Secretary.*

G. SCLATER-BOOTH, *President.*

PAYMENT OF SCHOOL FEES OF NON-PAUPER CHILDREN.

ORDER OF LOCAL GOVERNMENT BOARD AMENDING ORDER OF 22ND MARCH, 1877.

(Dated the 4th June, 1877.)

TO THE GUARDIANS OF THE POOR of the several unions
named in the schedule to this order :—

And to all others whom it may concern.

WHEREAS, by a general order bearing date the 22nd day of March, 1877, and addressed to the guardians of the poor of the several unions named in the schedule to this order, the Local Government Board made regulations with respect to the proceedings of the guardians under the Elementary Education Act, 1876 ;

And whereas, by Article IV. of the said order it is provided that every person appointed as inquiry officer under that order shall hold office until he shall die, or resign, or be removed by the Local Government Board, or by the guardians with the assent of that board, or be proved to be insane by evidence which that board shall deem to be sufficient ;

And whereas it is expedient to make provision for the appointment of inquiry officers for limited periods only ;

Now therefore, we, the Local Government Board, in pursuance of the powers given by the several statutes in that behalf, hereby order as follows :—

Article I.—The guardians of the poor of each of the unions named in the schedule to the said order may, if they think fit, with the assent of the Local Government Board, appoint a person or persons, or one or more of their officers, to discharge the duties of an inquiry officer prescribed by that order, for a limited period only, anything in the said order contained to the contrary notwithstanding.

Article II.—In this order,—

The term “guardians” includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term “union” means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

SCHEDULE.

UNIONS, INCORPORATIONS, AND SINGLE PARISHES.

[The unions, incorporations, and single parishes set forth in this schedule are the same as those in the schedule to the order of the 22nd March, 1877.]

Given under the seal of office of the Local Government Board,
this fourth day of June, in the year one thousand eight
hundred and seventy-seven.

G. SCLATER-BOOTH,
President.

JOHN LAMBERT,
Secretary.

SCHOOL FEES : GENERAL ORDER AMENDING
ORDERS OF 22ND MARCH AND 4TH JUNE, 1877.

APPLICATIONS TO RELIEF COMMITTEES.

(Dated 5th September, 1877.)

TO THE GUARDIANS OF THE POOR of the several unions
named in the schedule to this order ;—

And to all others whom it may concern.

WHEREAS by certain general orders bearing date the 22nd day of March, 1877, and the 4th day of June, 1877, addressed, amongst others, to the guardians of the poor of each of the unions named in the schedule to this order, the Local Government Board made regulations with respect to the proceedings of the guardians under the Elementary Education Act, 1876, by reason whereof all applications by parents, not being paupers, for payment of school fees, whether made directly to the guardians or through an inquiry officer, are exclusively controlled and managed by the guardians of the union sitting as a board ;

And whereas the guardians of the said several unions are empowered by orders of the poor law commissioners, the poor law board, and the Local Government Board, respectively, to appoint a committee or committees for the purpose of hearing and determining applications for relief, and it is expedient that the com-

mittee or committees so appointed, hereinafter termed the relief committee or relief committees, should be authorised to deal with the applications made as aforesaid for the payment of school fees :

Now therefore, we, the Local Government Board, in pursuance of the powers given by the statutes in that behalf, hereby order as follows ; that is to say,—

Article I.—The guardians of the poor of each of the unions named in the schedule to this order may, if they think fit to do so, authorise the relief committee or committees who are appointed or may be appointed by them, to deal with all applications for payment of school fees on account of parents, not being paupers, residing or being in the district, or part of the district, which may have been so assigned to such committee or committees ; and such committee or committees shall thereupon hear and determine all such applications, and give all directions respecting the continuance of the payment of the fees, in such manner as the guardians, acting as a board, are now or may hereafter be authorised to do.

Provided that nothing in this Order contained shall at any time prevent the guardians acting as a board from rescinding or altering any order of such relief committee or relief committees in regard to school fees not previously paid, or from considering and deciding on any application from any parent as aforesaid, or determining on the continuance or cessation of any weekly or other fee which shall not have been actually paid.

Article II.—Whenever the guardians of a union give authority to the relief committee or committees in pursuance of Article I. of this order, the following regulations shall take effect :

No. 1.—Each inquiry officer whose district or any part thereof is assigned to a relief committee shall submit to the committee at every meeting the school fees application and report book, which he is required to keep by the general order of the Local Government Board first above-recited ; and a note of the decision or direction of the committee upon every application for school fees, whether made through an inquiry officer or directly to the relief committee, shall be inserted at the meeting of the committee in the proper columns of such book, and authenticated in the proper column by the initials of one of the members of the committee, or of the clerk or the assistant clerk to the board of guardians.

No. 2.—A school fees order book according to the form prescribed by the general order of the Local Government Board

first above-recited shall be kept for the use of each relief committee ; and the first four columns in such book shall, as far as practicable, be entered up by the clerk or the assistant clerk before each meeting of the committee, and the remaining columns, containing the particulars of the decisions or directions of the committee, shall be filled up at the meeting by one of the members of the committee, or by the clerk or the assistant clerk.

No. 3.—The school fees order book, filled up as above required and signed by the clerk or the assistant clerk, shall be laid before the board of guardians at their ordinary meeting held on the same day as the sitting of the relief committee, or at their next ordinary meeting after such sitting, as may be more convenient ; and thereupon the clerk shall enter on the minutes of the board of guardians the fact of the same having been so laid before them.

Article III.—In this order,—

The term “guardians” includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term “union” means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

SCHEDULE.

UNIONS.

Altrincham.	Bradford (York).	Clitheroe.
Ashton-under-Lyne.	Bramley.	Colchester.
	Burnley.	Cosford.
Barnsley.	Burton-upon-Trent.	Coventry.
Barrow-upon-Soar.	Bury.	Depwade.
Barton Regis.		Durham.
Barton-upon-Irwell.	Cambridge.	
Basford.	Cardiff.	Edmonton.
Bedminster.	Carlisle.	Ely.
Belper.	Chelmsford.	
Biggleswade.	Chester.	Fulham.
Blackburn.	Chesterton.	Fylde, The.
Blything.	Chippenham.	Glanford Brigg.
Bodmin.	Chorley.	Glossop.
Bolton.	Chorlton.	Greenwich.

Hackney.	Newtown and Llanid-Strand.	
Halifax.	loes.	Sudbury.
Haslingden.	Nottingham.	Sunderland.
Hexham.		Swansea.
Hitchin.	Oldham.	
Holborn.		Taunton.
Huddersfield.	Peterborough.	Tendring.
Huntingdon.	Pontefract.	Thingoe.
	Poplar.	Thrapstone.
Keighley.	Prescot.	Tiverton.
Kingston.	Preston.	Todmorden.
	Prestwich.	Tonbridge.
Lancaster.	Pwllheli.	Tynemouth.
Leigh.		
Lexden and Winstree.		Wandsworth and
Linton.	Risbridge.	Clapham.
Liskeard.	Rochdale.	Wangford.
Loughborough.	Runcorn.	Warrington.
Luton.		Warwick.
	Saint Asaph.	West Derby.
Maidstone.	Saint George's.	West Ham.
Maldon.	Saint Olave's.	Westminster.
Mansfield.	Saint Saviour's.	Wharfedale.
Monmouth.	Saffron Walden.	Wigan.
Morpeth.	Salford.	Wigton.
	Sheffield.	Wisbeach.
Newcastle-upon-Tyne.	South Shields.	Wycombe.
Newmarket.	Stockport.	
Newport (Monmouth).	Stourbridge.	

SINGLE PARISHES.

Birmingham.	George, Blooms-	Saint Mary, Islington.
Great Yarmouth.	bury.	Saint Mary, Lambeth.
Manchester.	Saint Leonard, Shore-	Saint Matthew, Bethnal
Paddington.	ditch.	Green.
Plymouth.	Saint Marylebone.	Saint Pancras.
Saint Giles-in-the-	Saint Mary Abbott's, Toxteth Park.	
Fields and Saint	Kensington.	

Given under the seal of office of the Local Government Board,
this fifth day of September, in the year one thousand eight
hundred and seventy-seven.

G. SCLATER-BOOTH, *President.*

DANBY P. FRY, *Assistant-Secretary.*

Similar orders to the above have been issued to the unions of Acton,
Darlington, Redruth, Norwich, and Walsall.

**ORDER OF LOCAL GOVERNMENT BOARD.—APPLI-
CATIONS TO DISTRICT RELIEF COMMITTEES FOR
PAYMENT OF SCHOOL FEES OF NON-PAUPER
CHILDREN.**

(Dated the 5th September, 1877.)

TO THE GUARDIANS OF THE POOR of the several unions
named in the schedule to this order ;

And to all others whom it may concern.

WHEREAS by certain general orders, bearing date the 22nd day of March, 1877, and the 4th day of June, 1877, addressed, amongst others, to the guardians of the poor of each of the unions named in the schedule to this order, the local government board made regulations with respect to the proceedings of the guardians under the Elementary Education Act, 1876, by reason whereof all applications by parents, not being paupers, for payment of school fees, whether made directly to the guardians or through an inquiry officer, are exclusively controlled and managed by the guardians of the union sitting as a board ;

And whereas by orders of the poor law commissioners, the poor law board, and the local government board, issued to the guardians of the poor of the said several unions, certain parishes in those unions have been formed into districts for relief purposes, and the guardians of each union are required from time to time to appoint a committee of their members for each district so formed, to receive applications of poor persons therein requiring relief, and to examine into the cases of such poor persons, and to report to the guardians thereon ;

And whereas it is expedient that the committee so appointed, hereinafter termed the district relief committee, should be authorized to receive applications made as aforesaid for the payment of school fees, and to examine into the same and report to the guardians thereon :

Now, therefore, we, the local government board, in pursuance of the powers given by the statutes in that behalf, hereby order as follows, that is to say :—

Art. 1.—The guardians of the poor of each of the unions named in the schedule to this order, may, if they think fit to do so, authorize the district relief committee who are appointed or may be appointed by them, to receive all applications for payment of school fees on account of parents, not being paupers, residing or being in the district for which such committee is appointed, and to examine into the same and report to the guardians thereon ; and such committee shall thereupon deal with all such applications accordingly.

Art. 2.—Whenever the guardians of a union give authority to the district relief committee in pursuance of article 1 of this order, each inquiry officer whose district or any part thereof is assigned to the committee shall submit to them at every meeting the school fees application and report book, which he is required to keep by the general order of the local government board first above recited ; and a note of the recommendation of the committee upon every application for school fees, whether made through an inquiry officer or directly to the committee, shall be inserted at the meeting of the committee in the proper columns of such book, and authenticated in the proper column by the initials of one of the members of the committee, or of the clerk or the assistant clerk to the board of guardians.

Art. 3.—The term “guardians” in this order includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

SCHEDULE.

Altrincham.	Cockermouth.	Ormskirk.	Teesdale.
Ashton-under-Lyne.	Congleton.	Runcorn.	Ulverstone.
Cardiff.	Holywell.	Stockton.	Williton.

Given under the seal of office of the Local Government Board,
this fifth day of September, in the year one thousand eight
hundred and seventy-seven.

DANBY P. FRY, *Assistant Secretary.*

G. SCLATER-BOOTH,
President.

ORDER OF LOCAL GOVERNMENT BOARD.—PAY- MENT OF SCHOOL FEES BY PAY CLERKS.

(Dated the 5th September, 1877.)

TO THE GUARDIANS OF THE POOR of the several unions
named in the schedule to this order ;

And to all others whom it may concern.

WHEREAS by certain general orders, dated respectively the 22nd day of March, 1877, and the 4th day of June, 1877, addressed, among others, to the guardians of the poor of each of the unions named in the schedule to this order, the local government board made regulations with respect to the proceedings of the guardians under the Elementary Education Act, 1876, including the appointment by the guardians, with the approval of the said board, of a person or persons, or one or more of their officers, as inquiry officer or inquiry officers, to discharge certain duties with reference to applications by parents, not being paupers, for payment of school fees ;

And whereas, by article 9 of the first above-recited order, it is provided that “the fees ordered to be paid as aforesaid shall be paid by the guardians through the inquiry officer or otherwise” ;

and by articles 10 and 12 it is provided that the inquiry officer, if the guardians require the school fees to be paid through him, shall make such payments, and shall keep an account to be termed the "school fees receipt and payment account," and perform certain other duties in regard to such account ;

And whereas the guardians of each of the unions named in the said schedule have been empowered by orders of the poor law commissioners, the poor law board, or the local government board, to appoint a pay clerk to distribute relief to the poor within the union or a portion of the union, and those orders or other orders issued by them prescribe the duties to be performed by such pay clerk ;

And whereas it is expedient that provision should be made to enable such guardians to assign to the pay clerk the duty of paying the school fees ordered by them :

Now, therefore, we, the local government board, in pursuance of the powers given by the several statutes in that behalf, hereby order as follows :—

Art. 1.—The guardians of the poor of each of the unions named in the schedule to this order may, if they think fit, with the approval of the local government board, require the person for the time being holding the office of pay clerk in such union, to pay the school fees ordered by them, either as regards the whole of the union or the part of the union for which he may be appointed to act as pay clerk, according as the case may be.

Art. 2.—When the pay clerk is required by the guardians to pay the school fees as aforesaid, the following regulations shall take effect :

- (1.) The guardians may pay to the pay clerk for his services in respect of school fees such remuneration as may from time to time be approved by the local government board, and the remuneration so awarded to him shall be paid at the times and in the manner prescribed by the regulations in force for the time being with respect to his remuneration for his duties as pay clerk.
- (2.) The pay clerk shall duly and punctually pay to the school board or school managers, in accordance with the directions given to him by the guardians, the school fees which may be ordered by the guardians to be paid.
- (3.) The pay clerk shall keep, in the form prescribed by the last above recited order, the "school fees receipt and payment account," (a) in which shall be entered all moneys received and paid by him on account of the guardians, under their proper dates. He shall balance this account once every month, or oftener if required by the guardians to do so, and shall submit it, with the

(a) For the prescribed form of the school fees receipt and payment account, see art. 10, *ante*, p. 372.

proper vouchers, to the clerk to the guardians for examination, at such periods as they may appoint.

- (4.) The said account shall, together with the proper vouchers, be submitted by the pay clerk to the auditor of the union at the same times as the other books and accounts of the union are submitted for audit; and the auditor shall audit the same, subject to the regulations in force in the union for the time being in regard to the audit of accounts, which, both as regards the auditor and the officer concerned, shall, so far as they are applicable, apply to the said account.
- (5.) The provisions with respect to such account contained in article 13 of the first above-recited order shall apply, (b) with the exception that in the statement by the auditor in the Form No. 5, referred to in that article, the term "pay clerk" shall be inserted in connection with the column which relates to that account.

Art. 3.—In this order—

The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term "union" means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

SCHEDULE,

UNIONS.

Bradford (Yorkshire).	Holborn.	Pontardawe.	Swansea.
Chorlton.	Leeds.	Portsea Island.	West Derby.
Halifax.	Merthyr-Tydvil.	Preston.	

SINGLE PARISHES.

Birmingham.	Fields, and Saint	Saint Marylebone.
Manchester.	George, Bloomsbury.	Saint Matthew, Beth-
Saint Giles-in-the-	Saint Leonard, Shore-	nal Green.
	ditch.	Toxteth Park.

Given under the seal of office of the Local Government Board,
this fifth day of September, in the year one thousand eight
hundred and seventy-seven.

DANBY P. FRY, *Assistant Secretary.*

G. SCLATER-BOOTH,
President.

An order similar to the above has been issued to the Bedwellty Union.

(b) The article referred to will be found on p. 373.

**ORDER OF LOCAL GOVERNMENT BOARD AS TO
ALLOWANCE OF SCHOOL FEES BY WAY OF
LOAN.**

(Dated the 9th January, 1878.)

TO THE GUARDIANS OF THE POOR of the several unions
named in the schedule to this order :—

And to all others whom it may concern.

WHEREAS, by section 10 of the Elementary Education Act, 1876,
it is enacted as follows :

“The parent, not being a pauper, of any child, who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides ; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay ;”

And whereas, by section 34 of the said Act, it is enacted as follows :

“All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act and expenses incurred, and money paid for school fees, and relief given under this Act, were respectively acting, incurred, and paid, and given as relief, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly ;”

And whereas, by section 58 of the Poor Law Amendment Act, 1834, it is enacted as follows :

“From and after the passing of this Act, any relief, or the cost price thereof, which shall be given to or on account of any poor person above the age of twenty-one, or to his wife, or any part of his family under the age of sixteen, and which the said commissioners shall, by any rule, order, or regulation, declare or direct to be given or considered as given by way of loan, and whether any receipt for such relief, or engagement to repay the same, or the cost price thereof, or any part thereof, shall have been given or not by the person to or on account of whom the same shall have been so given, shall be

considered and the same is hereby declared to be a loan to such poor person."

Now therefore, we, the Local Government Board, in pursuance of the powers given by the statutes in that behalf, hereby order, declare, and direct as follows, with respect to each of the unions named in the schedule to this order :—

Article I.—In every case in which the guardians decide to pay the school fee, or any part thereof, under the provisions of section 10 of the Elementary Education Act, 1876, above recited, and declare the money so paid to be given by way of loan to the parent of the child, such money shall be considered as given by way of loan to the parent accordingly,

Article II.—In every case where the money paid in respect of such fee is so given by way of loan, the same shall be recoverable in accordance with the provisions of the Poor Law Acts applicable to the recovery of other relief given on loan.

Article III.—In this order,—

The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term "unions" includes any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

The term "parent" includes the guardian of a child, and every person who is liable to maintain a child.

SCHEDULE.

UNIONS, INCORPORATIONS, AND SINGLE PARISHES.

[The unions, incorporations, and single parishes contained in this schedule are those specified in the schedule to the order of the Local Government Board as to fees of non-pauper children (p. 378).]

Given under the seal of office of the Local Government Board,
this ninth day of January, in the year one thousand eight
hundred and seventy-eight.

G. SOLATER-BOOTH,
President.

JOHN LAMBERT,
Secretary.

GENERAL ORDER OF THE LOCAL GOVERNMENT BOARD AS TO MONTHLY PAYMENTS TO INQUIRY OFFICERS.

(Dated the 7th October, 1879.)

ELEMENTARY EDUCATION ACT, 1876.

TO THE GUARDIANS OF THE POOR of the several Unions named in the schedule to this order ;—
And to all others whom it may concern.

WHEREAS by a general order bearing date the 22nd day of March, 1877, in force in the unions named in the schedule to this order, the local government board prescribed regulations with respect to the appointment by the guardians of the poor of each of such unions, of a person or persons, or one or more of their officers, as inquiry officer or officers, to discharge the duties therein prescribed with reference to applications by parents not being paupers, for payment of school fees ;

And whereas Article 3 of the said general order of the 22nd day of March, 1877, contains the following provision with regard to the remuneration of the said inquiry officers, and the periods at which such remuneration shall be paid :—

“The guardians shall pay the inquiry officer or officers so appointed such remuneration, by annual salary or otherwise, as may be approved by the local government board, and such remuneration shall be paid quarterly at the several quarters ending at the usual Feast Days in the year, namely, Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day, and if it be by annual salary it shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of ‘The Apportionment Act, 1870.’”

And whereas it is expedient to alter the aforesaid provision for the payment of the salaries of the said officers at quarterly periods :

Now therefore we, the local government board, in pursuance of the powers given to us by the statutes in that behalf, hereby alter Article 3 of the said general order dated the twenty-second day of March, one thousand eight hundred and seventy-seven, so far as it provides for the payment of the salaries of the said inquiry officers quarterly. And we hereby order, from and after the seventh day of October, one thousand eight hundred and seventy-nine, as follows :

Article 1.—The guardians of the said several unions may, if they think fit, pay to the inquiry officers appointed by them, or

to any of such officers, the amount which shall become due in respect of each monthly service at the end of such month, instead of at the quarterly periods aforesaid.

Article 2.—Every such officer who may be paid monthly under the authority of this order, shall nevertheless make out his account quarterly, according to the above-mentioned days, and submit the same to the guardians on those days, before the last portion of the salary in respect of the quarter is paid to him by them.

Article 3.—In this order,—

The term “guardians” includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term “union” means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined under any general or local Act.

SCHEDULE.

UNIONS AND INCORPORATIONS.

Aberaeron.	Aylesbury.	Bellingham.
Abergavenny.	Aylsham.	Belper.
Aberystwith.	Aysgarth.	Berkhamstead.
Abingdon.		Berwick-upon-Tweed.
Alcester.	Bakewell.	Beverley.
Alderbury.	Bala.	Bicester.
Alnwick.	Banbury.	Bideford.
Alresford.	Bangor and Beaumaris.	Biggleswade.
Alton.	Barnet.	Billericay.
Altrincham.	Barnsley.	Billesdon.
Amersham.	Barnstaple.	Bingham.
Amesbury.	Barrow-upon-Soar.	Birkenhead.
Amptill.	Barton Regis.	Bishop Stortford.
Andover.	Barton-upon-Irwell.	Blaby.
Anglesey.	Basford.	Blackburn.
Ashbourne.	Basingstoke.	Blandford.
Ashby-de-la-Zouch.	Bath.	Blean.
Ashton-under-Lyne.	Battle.	Blofield.
Aston.	Beaminster.	Blything.
Atcham.	Bedale.	Bodmin.
Atherstone.	Bedford.	Bolton.
Auckland.	Bedminster.	Bootle.
Axbridge.	Bedwellty.	Bosmere and Claydon.
Axminster.	Belford.	Boston.

Bourn.
 Brackley.
 Bradfield.
 Bradford (Wilts).
 Bradford (W. York).
 Braintree.
 Bramley.
 Brompton.
 Brecknock.
 Brentford.
 Bridge.
 Bridgend and Cow-
 bridge
 Bridgnorth.
 Bridgwater.
 Bridlington.
 Bridport.
 Bristol.
 Brixworth.
 Bromley.
 Bromsgrove.
 Bromyard.
 Buckingham.
 Builth.
 Buntingford.
 Burnley.
 Burton-upon-Trent.
 Bury.
 Bury St. Edmunds.

Caistor.
 Calne.
 Cambridge.
 Camelford.
 Cannock.
 Canterbury.
 Cardiff.
 Cardigan.
 Carlisle.
 Carmarthen.
 Carnarvon.
 Castle Ward.
 Catherington.
 Caxton and Arrington.
 Cerne.
 Chailey.
 Chapel-en-le-Frith.
 Chard.
 Cheadle.

Chelmsford.
 Cheltenham.
 Chepstow.
 Chertsey.
 Chester.
 Chesterfield.
 Chester-le-Street.
 Chesterton.
 Chichester.
 Chippenham.
 Chipping Norton.
 Chipping Sodbury.
 Chorley.
 Chorlton.
 Christchurch.
 Church Stretton.
 Cirencester.
 City of London.
 Cleobury Mortimer.
 Clitheroe.
 Clnn.
 Clutton.
 Cockermouth.
 Colchester.
 Congleton.
 Conway.
 Cookham.
 Corwen.
 Cosford.
 Coventry.
 Cranbrook.
 Crediton.
 Crickhowel.
 Cricklade and Wooton
 Bassett.
 Croydon.
 Cuckfield.

Darlington.
 Dartford.
 Daventry.
 Depwade.
 Derby.
 Devizes.
 Dewsbury.
 Docking.
 Dolgelly.
 Doncaster.
 Dorchester.

Dore.
 Dorking.
 Dover.
 Downham.
 Drayton.
 Driffield.
 Droitwich.
 Droxford.
 Dudley.
 Dulverton.
 Dunmow.
 Durham.
 Dursley.
 Easington.
 Easingwold.
 Eastbourne.
 Easthampstead.
 Eastry.
 East Ashford.
 East Grinstead.
 East Preston.
 East Retford.
 East Ward.
 East and West Flegg-
 Ecclesall Bierlow.
 Edmonton.
 Elham.
 Ellesmere.
 Ely.
 Epping.
 Epsom.
 Erpingham.
 Eton.
 Evesham.
 Exeter.

Falmouth.
 Fareham.
 Faringdon.
 Farnham.
 Faversham.
 Festiniog.
 Foleshill.
 Forden.
 Fordingbridge.
 Forehoe.
 Freebridge Lynn.
 Frome.

Fulham.	Hexham.	Launceston.
Fylde, The.	Highworth and Swin-	Ledbury.
	don	Leeds.
Gainsborough.	Hinckley.	Leek.
Garstang.	Hitchin.	Leicester.
Gateshead.	Holbeach.	Leigh.
Glanford Brigg.	Holbeck.	Leighton Buzzard.
Glendale.	Holborn.	Leominster.
Glossop.	Hollingbourn.	Lewes.
Gloucester.	Holsworthy.	Lewisham.
Godstone.	Holyhead.	Lexden and Winstree.
Goole.	Holywell.	Leyburn.
Gower.	Honiton.	Lichfield.
Grantham.	Hoo.	Lincoln.
Gravesend and Milton.	Horncastle.	Linton.
Great Ouseburn.	Horsham.	Liskeard.
Greenwich.	Houghton-le-Spring.	Llandilo Fawr.
Guildford.	Howden.	Llandoverly.
Guiltsross.	Hoxne.	Llanelly.
Guisborough.	Huddersfield.	Llanfyllin.
	Hungerford.	Llanrwst.
Hackney.	Hunslet.	Loddon and Clavering.
Hailsham.	Huntingdon.	Longtown.
Halifax.	Hursley.	Loughborough.
Haltstead.		Louth.
Haltwhistle.	Ipswich.	Ludlow.
Hambleton.	Isle of Thanet.	Lunesdale.
Hardingstone.	Isle of Wight.	Luton.
Hartismere.		Lutterworth.
Hartlepool.	Keighley.	Lymington.
Hartley Witney.	Kendal.	
Haslingden.	Kettering.	Macclesfield.
Hastings.	Keynsham.	Machynlleth.
Hatfield.	Kidderminster.	Madeley.
Havant.	Kingsbridge.	Maidstone.
Haverfordwest.	Kingsclere.	Maldon.
Hawarden.	King's Lynn.	Malling.
Hav.	King's Norton.	Malmesbury.
Hayfield.	Kingston.	Malton.
Headington.	Kingston-upon-Hull.	Mansfield.
Helmsley Blackmoor.	Kington.	Market Bosworth.
Helston.	Kirkby Moorside.	Market Harborough.
Hemel Hempstead.	Knaresborough.	Marlborough.
Hemsworth.	Knighton.	Martley.
Hendon.		Medway
Henley.	Lampeter.	Melksham.
Henstead.	Lancaster.	Melton Mowbray.
Hereford.	Lanchester.	Mere.
Hertford.	Langport.	Meriden.

Merthyr Tydvil.	Oswestry.	Ross.
Middlesbrough.	Oundle.	Rothbury.
Midhurst.	Oxford.	Rotherham.
Mildenhall.		Royston.
Milton.	Pateley Bridge.	Rugby.
Mitford and Laun-	Patrinton.	Runcorn.
ditch.	Pembroke.	Ruthin.
Monmouth.	Penistone.	Rye.
Morpeth.	Penrith.	
Mutford and Lothing-	Penzance.	Saffron Walden.
land	Pershore.	Saint Alban's.
	Peterborough.	Saint Asaph.
Nantwich	Petersfield.	Saint Austell.
Narberth.	Petworth.	Saint Columb Major.
Neath.	Pewsey.	Saint Faith's.
Newark.	Pickering.	Saint George's.
Newbury.	Plomesgate.	Saint Germans.
Newcastle-in-Emlyn	Plymouth.	Saint Ive's.
Newcastle-under-	Plympton, Saint Mary.	Saint Neot's.
Lyme.	Pocklington.	Saint Olave's.
Newcastle-upon-Tyne.	Pontardawe.	Saint Saviour's.
Newark.	Pontefract.	Saint Thomas.
Newhaven.	Pont-y-pool.	Salford.
Newmarket.	Pontypridd.	Samford.
Newport (Monmouth).	Poole.	Scarborough.
Newport (Salop).	Poplar.	Sculcoates.
Newport Pagnell.	Portsea Island.	Sedbergh.
Newton Abbott.	Potterspury.	Sedgefield.
Newtown and Llanid-	Prescot.	Seisdon.
loes.	Preston.	Selby.
New Forest.	Prestwich.	Settle.
New Winchester.	Pwllheli.	Sevenoaks.
Northallerton.		Shaftesbury.
Northampton.	Radford.	Shardlow.
Northleach.	Reading.	Sheffield.
Northwich.	Redruth.	Sheppey.
North Aylesford.	Reeth.	Shepton Mallet.
North Bierley.	Reigate.	Sherborne.
North Witchford.	Rhayader.	Shiffnal.
Norwich.	Richmond (Surrey).	Shipston-upon-Stour.
Nottingham.	Richmond (N. York).	Skipton.
Nuneaton.	Ringwood.	Skirlaugh.
	Ripon.	Sleaford.
Oakham.	Risbridge.	Smallburgh.
Okehampton.	Rochdale.	Solihull.
Oldham.	Rochford.	Southam.
Ongar.	Romford.	Southampton.
Ormskirk.	Romney Marsh.	South Molton.
Orsett.	Romsey.	South Shields.

South Stoneham.	Tisbury.	West Ashford.
Southwell.	Tiverton.	West Bromwich.
Spalding.	Todmorden.	West Derby.
Spilsby.	Tonbridge.	West Firle.
Stafford.	Torrington.	West Ham.
Staines.	Totnes.	West Hampnett.
Stamford.	Towcester.	West Ward.
Stepney.	Tregaron.	Wetherby.
Steyning.	Truro.	Weymouth.
Stockbridge.	Tynemouth.	Wharfedale.
Stockport.		Wheatenhurst.
Stockton.	Uckfield.	Whitby.
Stokesley.	Ulverstone.	Whitchurch (Salop).
Stone.	Uppingham.	Whitchurch (South-
Stourbridge.	Upton-upon-Severn.	ampton).
Stow.	Uttoxeter.	Whitechapel.
Stow-on-the-Wold.	Uxbridge.	Whitehaven.
Strand.		Wigan.
Stratford-upon-Avon.	Wakefield.	Wigton.
Stratton.	Wallingford.	Williton.
Stroud.	Walsall.	Wilton.
Sturminster.	Walsingham.	Wimborne and Cran-
Sudbury.	Wandsworth and	borne.
Sunderland.	Clapham.	Wincanton.
Swaffham.	Wangford.	Winchcomb.
Swansea.	Wantage.	Windsor.
	Ware.	Winslow.
Tadcaster.	Wareham and Pur-	Wirral.
Tainworth.	beck.	Wisbeach.
Tarvin.	Warminster.	Witham.
Taunton.	Warrington.	Witney.
Tavistock.	Warwick.	Woburn.
Teesdale.	Watford.	Wokingham.
Tenbury.	Wayland.	Wolstanton and
Tendring.	Weardale.	Burslem.
Tenterden.	Wellingborough.	Wolverhampton.
Tetbury.	Wellington (Salop).	Woodbridge.
Tewkesbury.	Wellington (Somerset).	Woodstock.
Thakeham.	Wells.	Woolwich.
Thame.	Welwyn.	Worcester.
Thetford.	Wem.	Worksop.
Thingoe.	Weobley.	Wortley.
Thirsk.	Westbourne.	Wrexham.
Thornbury.	Westbury.	Wycombe.
Thorne.	Westbury and Whor-	
Thrapston.	welsdown.	Yeovil.
Ticehurst.	Westminster.	York.

SEPARATE PARISHES.

Alston-with-Garrigill.	Paddington.	Saint Luke, Chelsea.
Alverstoke.		Saint Marylebone.
	Saddleworth.	Saint Mary Abbot's,
Barrow-in-Furness.	Saint George-in-the-	Kensington,
Birmingham.	East.	Saint Mary, Islington.
Brighton.	Saint Giles-in-the-	Saint Mary, Lambeth.
	Fields and Saint	Saint Mary and Saint
East Stonehouse.	George, Blooms-	Andrew, Whittlesey.
	bury.	Saint Matthew, Beth-
Great Yarmouth.	Saint Giles, Camber-	nal Green.
	well.	Saint Pancras.
Liverpool.	Saint John, Hamp-	Stoke Damarel.
	stead.	Stoke-upon-Trent.
Manchester.	Saint Leonard, Shore-	
Mile End Old Town.	ditch.	Toxteth Park.

Given under the seal of office of the Local Government Board,
this seventh day of October, in the year one thousand eight
hundred and seventy-nine.

JOHN LAMBERT,
Secretary.

G. SCLATER-BOOTH,
President.

CIRCULAR OF LOCAL GOVERNMENT BOARD.

Local Government Board, Whitehall, S.W.,
December 30th, 1876.

Sir,—I am directed by the local government board to draw the attention of the guardians to the provisions of the "Elementary Education Act, 1876," so far as they concern the powers and duties of the guardians and the school attendance committee to be appointed by them under the Act, with respect to the payment of school fees and the enforcement of attendance at school.

Although the board do not propose to enter into a detailed explanation of the numerous sections which relate to these subjects, it will doubtless be useful to direct the attention of the guardians to some of the more important provisions in which they are interested, and which may be conveniently dealt with under two principal heads, viz. (1) those which more immediately concern the guardians themselves, and (2) those which apply to the school attendance committee.

As to the Guardians.

One of the chief duties which the Act imposes upon the guardians is the appointment of a school attendance committee, for the purpose of enforcing the provisions of the Act relative to the employment of children and their attendance at school, in the several parishes and parts of parishes in the union which are not within the district of a school board, a municipal borough, or an urban sanitary district. Such urban sanitary district, however, must not be, or comprise, a municipal borough, must be co-extensive with some parish or parishes not within the jurisdiction of a school board, and must have, according to the last census, a population of not less than 5,000. Moreover, the urban sanitary authority must have been authorized by the education department to appoint a committee for such district.

The committee are to be appointed annually, and are to consist of not more than twelve nor less than six guardians of the union, of whom one-third at least are to be *ex officio* guardians, if there are sufficient *ex officio* guardians to make up that number.

The guardians may, however, from time to time, and within the specified limits, add to or diminish the number of members of the committee, and it is to be observed that where an urban sanitary district is not and does not comprise a borough, and is not wholly within the jurisdiction of a school board and is not a district for which a separate school attendance committee can with the sanction of the education department be appointed, the urban sanitary authority may appoint such number of their own members, not exceeding three, as the education department may allow, to be members of the school attendance committee of the union in addition to the members appointed by the guardians.

It will be seen by reference to Rule 6 of the second schedule to the Act that the committee are to be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the local government board for the purpose; and a question has arisen whether, as the Act comes into operation on the 1st of January next, the guardians may not after that day, at a meeting to be fixed with the approval of the board, appoint a committee to act until the annual election of the guardians in April next. The board, however, after a careful consideration of the rule referred to in connection with other provisions of the Act, have arrived at the conclusion that the alternative conferred by the rule can only be exercised in those cases where the guardians have made default in appointing a committee at the first meeting after the annual election, and, consequently, that such default cannot arise until after the ensuing annual election of guardians. The board may add that

their opinion on this point coincides with that entertained by the education department.

Another important duty which has for the first time been cast upon the guardians by the Act is that of paying the school fees at a public elementary school, for the children of parents who, although not paupers, are unable by reason of poverty to pay the ordinary school fees for such children.

It is requisite, however, that the guardians should be satisfied in each case of the inability of the parent to pay the fee, and the amount to be paid by guardians is limited to the ordinary school fee, not exceeding 3d. a week, or such part thereof as the parent is, in the opinion of the guardians, unable to pay; and it must be observed that the fees in these cases are not to be charged to the common fund of the union, but to the particular parish in which the parent is resident.

The selection of the school, subject to the condition of its being a public elementary school, rests with the parent.

With respect to the children of paupers, the guardians will observe that the Act imposes on them obligations almost similar to those contained in section 3 of the Elementary Education Act, 1873: but there are two alterations in the law which deserve special notice.

In the first place, the provisions in the Act of 1873 only applied to a child between five and thirteen years of age, whereas by the present Act the limit is extended to the age of fourteen years, as the term "child" as used in the Act is defined by section 48 to mean a child between the age of five and fourteen years.

In the second place, the fee to be paid was limited to one farthing for each attendance, but when the present Act comes into operation the guardians will be enabled to pay a fee equal in amount to that allowed for non-pauper children, viz., the ordinary school fee not exceeding 3d. a week.

In a circular letter which the board issued on the 30th of March, 1874, they expressed an opinion that where children came under the operation of any of the Acts regulating the education of children employed in labour, and were under efficient instruction for the times required by such Act, there would be a "reasonable excuse" for not attending school for the longer period contemplated by the Act of 1873. A case, however, has recently been decided in the Divisional Court of Appeal from Inferior Courts (*Bury v. Cherryholm*, L. R. 1, Ex. D. 457), which renders it necessary that the board should qualify their opinion to this extent, viz., that where there exists a school board in any district who have by a byelaw required the attendance of children at school, the byelaw overrides the statutory provisions of the Acts

referred to, so that the attendance at school under those Acts will not be a sufficient compliance with the provisions applicable to the outdoor relief of paupers, if at the same time the byelaw is disregarded.

The board may observe that section 50 of the Act of the last session appears to them to support the principle of this decision.

Another obligation which is imposed upon the guardians is, in certain cases, where an order has been made upon a parent to contribute to the cost of his child in a certified day industrial school, to give him sufficient relief to pay the amount, or so much as they consider him unable to pay. In these cases the money so given is to be charged to the parish in like manner as the school fees of non-pauper children.

For the purpose of obtaining payment of the expenses of the school attendance committee, it will devolve upon the guardians to raise the necessary amount by precepts on the several parishes or parts of parishes within the jurisdiction of the committee according to their rateable value.

Provision is made for the levy of a separate rate of an addition to the poor rate in those cases, where parts only of parishes are within the jurisdiction of the school attendance committee.

As to the School Attendance Committee.

One of the first duties of the committee will be to publish the provisions of the Act within their jurisdiction in such way as may seem to them best calculated for making the same known. Reference has already been made to the obligations imposed upon them, of enforcing the provisions of the Act with regard to the employment of children and their attendance at school, but it is to be observed that the enforcement of the Act in the case of children employed in factories, workshops, and mines, will rest with the Home Office inspectors, the committee assisting them by information and otherwise.

There are numerous other provisions relating to the functions of the committee, of which it will on this occasion be sufficient to refer to the following :—

It is incumbent on the committee, on being informed of cases of children liable to be sent to industrial schools under the present Act, or under the Industrial Schools Act, 1866, to take proceedings, unless they think it inexpedient to do so.

They are required to report to the education department any infraction of section 7 of the Elementary Education Act, 1870, which prescribes regulations for the conduct of public elementary schools, and to furnish to that department such returns as may be called for by them.

Another duty of the committee will be to make byelaws for any parish as to the attendance of children at school, on the rate-payers making a requisition for that purpose in the manner prescribed by the Act, and when such byelaws are made, to enforce them.

The committee are empowered, for the discharge of their duties, to require from registrars, in addition to certified copies of entries in particular cases, general returns of births and deaths of children, and to pay for such returns a fee not exceeding 2*d.* for every birth and death entered in the return.

The committee are also empowered to appoint local committees for different parishes or other areas in their district, to give them such aid and information as they may require.

A local committee may consist of not less than three persons being either wholly members of the board of guardians, or partly such members and partly other persons.

They may also, by notice, exempt for certain periods from the restrictions contained in the Act, children above the age of eight years for the necessary operations of husbandry and the ingathering of crops ; but such periods are not to exceed in the whole six weeks between the 1st of January and the 31st of December in any year. A copy of such notice must be sent to the education department and to the overseers of every parish within the jurisdiction of the committee, for publication in the same way as parochial notices.

If the committee make default in their duty, the education department may appoint persons for a period not exceeding two years to perform the duty of the defaulting committee to the exclusion of the committee, and the remuneration and expenses of such persons, as certified by the education department, will be recoverable from the guardians.

With respect to officers, it will be seen that the clerk to the guardians is to act as clerk to the committee, and that the committee may, with the approval of the guardians and the local government board, direct and pay one or more of the officers of the guardians to assist in the execution of the Act, and, if necessary, appoint and pay other officers for that purpose.

The committee cannot incur any expense without the consent of the guardians.

Concluding Observations.

The Act of 1873 contained no express provisions as to the mode of charging the expenses incurred by the officers of guardians in the publication of notices under the direction of the education department. The present Act, however, supplies this

defect, by directing that such expenses may be charged to the parish in respect of which such expenses are incurred.

It will be observed that the Act empowers the local government board to make rules and regulations with reference to its execution, in like manner as in the case of the Acts relating to the relief of the poor, and the board have under their consideration the orders which it may be necessary to issue under the power thus conferred.

It is perhaps scarcely necessary to add that applications by non-pauper parents for the payment of the school fees for their children will require to be investigated by the guardians and their officers with as much care as applications by paupers for relief: and the board are desirous that until special regulations are issued by them on this subject, both classes of applications should, as far as practicable, be dealt with by the guardians in the same manner.

The applications from non-pauper parents should be separately entered in an application and report book, and the orders of the guardians should be entered by the clerk in an order book, so that the cases may be regularly recorded, and the requisite means afforded for checking the accounts.

I am, Sir, your obedient servant,
JOHN LAMBERT,
Secretary.

To
The Clerk to the Guardians.

GENERAL ORDER.—REGULATIONS AS TO SCHOOL ATTENDANCE COMMITTEES.

(Dated 14th April, 1877.)

ELEMENTARY EDUCATION ACT, 1876.

TO THE GUARDIANS OF THE POOR of the several unions in which school attendance committees may be appointed by guardians under the provisions of the Elementary Education Act, 1876:—

TO ALL SCHOOL ATTENDANCE COMMITTEES so appointed:—

And to all others whom it may concern.

WHEREAS by an order dated the 22nd day of March, 1877, the local government board prescribed regulations under the elementary Education Act, 1876, so far as respects guardians of the poor

and their officers, in reference to the discharge of the duties of such guardians and officers under that Act, and it is expedient that regulations should be made as respects school attendance committees appointed by such guardians, and the officers of such committees (a):

Now, therefore, we, the local government board, in pursuance of the powers given by the several statutes in that behalf, hereby order as follows, with respect to the school attendance committee who may be appointed under the provisions of the above-mentioned Act by the guardians of any union, and the officers of such committee.

SECTION I.—MEETINGS.

Art. 1.—The school attendance committee shall meet for the dispatch of business, and shall from time to time, as occasion may require, make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, as they think fit.

Art. 2.—The proceedings of the school attendance committee at their meetings shall be duly recorded in a minute book to be kept by their clerk. At each meeting the minutes of the last preceding meeting shall be read to the committee, and such minutes shall be signed by the chairman presiding at the meeting at which the same are read.

Art. 3.—No business involving the employment or appointment, or the dismissal of any officer, any new expense, or any payment (except the ordinary periodical payments), or any business which under the Elementary Education Acts requires the consent of the education department, shall be transacted at any meeting of the school attendance committee, unless notice in writing of the general nature of such business has been sent to every member of the committee four days at least before the meeting.

SECTION II.—APPOINTMENT OF SCHOOL ATTENDANCE OFFICERS.

Art. 4.—Where the school attendance committee, with the consent of the guardians, direct an officer or officers of the guardians to act in the execution of the said Act, or of any byelaws in force within the jurisdiction of the committee, or, with the like consent, appoint an officer or officers for that purpose, such officers shall be termed "school attendance officers," and such direction or appointment shall be reported to the local government board for their approval within fourteen days afterwards.

Art. 5.—No person shall be so appointed or employed unless he shall have reached the age of twenty-one years.

Art. 6.—If any person who may have been directed or appointed by the committee to act as provided in Art. 4, be at any time prevented from acting by reason of sickness or accident, or other sufficient cause, the committee may direct some other officer of the guardians or appoint some other person to act as his temporary substitute, and every such direction or appointment, if the person be an officer of the guardians, shall be forthwith reported to the local government board.

SECTION III.—TENURE OF OFFICE.

Art. 7.—Every person appointed under this order shall hold office until he shall die, or resign, or be dismissed by the local government board, or by the school attendance committee with the assent of the guardians, or be proved to be insane by evidence which the local government board shall deem sufficient: and the committee shall give notice to the local government board of every such death, resignation or dismissal by the school attendance committee, and state the cause of such resignation, so far as it may be known to them, or of such dismissal.

Art. 8.—Where an officer of the guardians is directed to act as an officer of the school attendance committee, he shall, upon ceasing to be an officer of the guardians, or upon the withdrawal of the consent of the local government board to his acting as an officer of the school attendance committee, cease to be an officer of that committee.

SECTION IV.—REMUNERATION OF OFFICERS.

Art. 9.—The clerk and other officers of the school attendance committee shall receive such salary or remuneration as the committee assign to them and the guardians and the local government board approve.

Provided that the committee, with the approval of the guardians and of the local government board, may pay to any such officer a reasonable compensation by way of gratuity on account of extraordinary services, or other unforeseen circumstances.

Art. 10.—If the remuneration be by annual salary, it shall be paid quarterly at the several quarters ending at the usual feast days in the year, namely, Midsummer Day, Michaelmas Day, Christmas Day, and Lady Day, and shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of "The Apportionment Act, 1870."

SECTION V.—DUTIES OF OFFICERS.

Art. 11.—The following shall be the duties of the clerk to the school attendance committee :

No. 1. To attend all meetings of the school attendance committee ; to keep punctually minutes of the proceedings at every meeting, and to enter the said minutes in a book, to be termed the minute book. To enter from time to time, at proper dates, in the minute book, a statement of all pecuniary transactions of the committee, and to submit the minutes so entered to the presiding chairman at the succeeding meeting for signature.

No. 2. To peruse and conduct the correspondence of the committee according to their directions, and to preserve the same, as well as all orders, documents, and letters addressed to the committee and received by him as their clerk, together with copies of all letters sent, and all letters, books, papers, and documents belonging to the committee or intrusted to him by them, and to make all necessary copies thereof.

No. 3. To communicate to the several persons appointed by the committee or acting under their direction all orders and directions of the committee and other competent authorities, and, so far as may be, to give the instructions requisite for the prompt and correct execution of all such orders and directions, and to report to the committee any neglect or failure therein which may come to his knowledge.

No. 4. To observe and execute all lawful orders and directions of the committee applicable to his office.

Art. 12.—The following shall be the duties of a school attendance officer :

No. 1. To attend all such meetings of the school attendance committee as they may by any direction, whether general or special, require him to attend.

No. 2. To make inquiries as to cases of employment of children contrary to the provisions of the said Act, and as to the non-attendance of children at school, and also as to cases of children who may be liable to be sent to certified industrial schools under the said Act or the Industrial Schools Act, 1866.

No. 3. To record his proceedings and the result of his inquiries in a book to be provided for him for that purpose by the committee, and to submit such book to the committee at each meeting.

No. 4. To observe and execute all lawful orders and directions of the committee applicable to his office.

SECTION VI.—RECEIPTS AND EXPENSES.

Art. 13.—The school attendance committee shall, before the end of each of the usual quarters of the year, cause to be prepared and submitted to the guardians an estimate of the amount which, in the judgment of the committee, will be likely to be required during the ensuing quarter for the payment of their expenses.

Art. 14.—The school attendance committee shall from time to time certify to the guardians in the form set forth in the schedule to this order the expenses legally incurred by the committee, such certificate being signed by the chairman and one other member of the committee, and countersigned by the clerk.

Art. 15.—The guardians shall, upon the receipt of such certificate, pay the expenses legally incurred and specified therein, in like manner as other payments are made by them in the ordinary discharge of their duties, unless in any case they shall be prevented by any rule of law or statute from making the payment.

Art. 16. —All sums received by the school attendance committee under the Elementary Education Act, 1876, shall be paid to the treasurer of the union to the credit of the guardians to be applied in aid of the fund raised by them for the purposes of that Act; and every officer of the committee who may receive money on their behalf shall forthwith, or as and when directed by them, pay the amount to such treasurer to the credit of the guardians to be applied by them in like manner.

SECTION VII.—INTERPRETATION OF TERMS.

Art. 17.—In this order,—

The term “guardians” includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term “union” means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

The term “children” includes any child between the ages of five and fourteen years.

THE ELEMENTARY EDUCATION ACT, 1870.

however, is now rectified by the order of the education department, dated the 7th October, 1870, see the Appendix, *post*, p. 262.

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," and the Acts amending the same :

Schedules (A.) and (B.) of the 5 & 6 Will. 4, c. 76, contain the names of the municipal boroughs subject to the Act. But since that Act many new boroughs have been created under it by charter.

The term "parish" means a place for which for the time being a separate poor rate is or can be made :

The definition of the word "parish," in 29 & 30 Vict. c. 113, s. 18, "a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed." Of course neither definition applies to an ecclesiastical district. As to parishes divided by boundaries of boroughs, see section 77, and 36 & 37 Vict. c. 86, s. 12, *post*. As to divided parishes, see 36 & 37 Vict. c. 86, s. 12, *post*, and 39 & 40 Vict. c. 61, s. 1.

The term "person" includes a body corporate :

The term "education department" means "the lords of the committee of the privy council on education :"

The Lord president of the Council and the Vice-President of the committee on Education (19 & 20 Vict. c. 116, and order in council, 14th July, 1856), constitute the "education department."

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the education department :

This definition will not include inspectors of workhouse schools who are appointed by the local government board.

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them :

Under the New Code of 1881, Art. 15 (c), the term managers includes:—(1.) The school board of any district. (2.) The managers of a school appointed by a school board under section 15 of the Education Act, 1870. (3.) The managers of any other public elementary school. Further, as to "managers," see sections 15, 21, 23 and 24, *post*.

teacher" includes assistant teacher, pupil
ing mistress, and every person who forms
educational staff of a school :

parent" includes guardian and every person
to maintain or has the actual custody of

the word "parent" will include "the father and
the mother and grandmother," of any child, see
it will apply to the parent of an illegitimate child.

elementary school" means a school or depart-
ment at which elementary education is the
chief of the education there given, and does not
include a school or department of a school at which
payments in respect of the instruction,
fees, or charges, exceed ninepence a week :

is not an elementary school within this definition.
as to the regulations for the conduct of public

schoolhouse" includes the teachers' dwelling-
house, playground (if any), and the offices and
buildings belonging to or required for a school :

vestry" means the ratepayers of a parish
vestry according to law :

tenant who shall by the last rate which shall have
been levied of the poor have been assessed and charged
with an annual rent, profit, or value (58 Geo. 3, c. 69,
s. 1) and shall have refused or neglected to pay any such rate
and shall have been demanded of him (58 Geo. 3,
c. 69, s. 1) rates which shall have been made or become
due within twelve months immediately preceding the vestry
meeting (c. 65, s. 1). See also 1 Vict. c. 45 as to notice
of the notice must be signed by a churchwarden or
curate, or by an overseer of the parish. (Id. s. 2)

ratepayer" includes every person who, under
the Poor Rate Assessment and Collec-
tion Act is deemed to be duly rated :

Assessment and Collection Act (32 & 33 Vict. c. 41),
the overseers in making out the poor rate shall
be deemed to be collected from the owner or occupier,
the payment of the rate instead of the occupier,

SCHEDULE.

We, the undersigned, on behalf of the school attendance committee for the union, hereby certify that the expenses, the particulars of which are specified below, were on the dates set forth legally incurred by such committee in the execution of the Elementary Education Act, 1876, and are respectively due to the persons undermentioned:—

Date.	PARTICULARS OF EXPENDITURE.		
	Name and Address of the Person to whom the Sum is due.	For what purpose incurred.	Amount.
		Total.....	

Dated this day of 187 .

(Signed)

Chairman of the Committee.

Member of the Committee.

(Countersigned)

Clerk to the Committee.

Given under the seal of office of the Local Government Board, this fourteenth day of April, in the year one thousand eight hundred and seventy-seven.

G. SCLATER-BOTH, *President.*

JOHN LAMBERT, *Secretary.*

**GENERAL ORDER AMENDING ORDER OF
14TH APRIL, 1877.**

**REGULATIONS AS TO SCHOOL ATTENDANCE
COMMITTEES.**

(Dated the 4th June, 1877.)

ELEMENTARY EDUCATION ACT, 1876.

TO THE GUARDIANS OF THE POOR of the several unions in which school attendance committees may be appointed by guardians under the provisions of the Elementary Education Act, 1876 ;—

TO ALL SCHOOL ATTENDANCE COMMITTEES so appointed ;--

And to all others whom it may concern.

WHEREAS by a general order bearing date the 14th day of April, 1877, and addressed to the guardians of the poor of the several unions in which school attendance committees may be appointed by guardians under the provisions of the Elementary Education Act, 1876, and to all school attendance committees so appointed, the Local Government Board made regulations with respect to such school attendance committees and their officers ;

And whereas it is expedient to make provision for the appointment of school attendance officers for limited periods only :

Now therefore, we, the Local Government Board, in pursuance of the powers given by the several statutes in that behalf, hereby order as follows :—

Article I.—The school attendance committee may, if they think fit, with the assent of the guardians and of the Local Government Board, direct one or more of their officers, or appoint a person or persons, to discharge the duties of a school attendance officer prescribed by the said order, for a limited period only, anything in the said order contained to the contrary notwithstanding.

Article II.—In this order,—

The term “guardians” includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term "union " means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

Given under the seal of office of the Local Government Board,
this fourth day of June, in the year one thousand eight
hundred and seventy-seven.

G. SCLATER-BOOTH,
President.

JOHN LAMBERT,
Secretary.

SCHOOL ATTENDANCE COMMITTEE—EXPENSES— ACCOUNTS.

CIRCULARS OF THE LOCAL GOVERNMENT BOARD, SEPTEMBER,
1877.

Local Government Board,
Whitehall, S.W.,
15th September, 1877.

Gentlemen,—1. I am directed by the Local Government Board to forward for your information a copy of a circular letter which the board have addressed to guardians of the poor, on the subject of the expenses of the school attendance committees appointed by them.

2. The board desire me to add, that as it is provided by section 31 of the Elementary Education Act, 1876, that the fund out of which these expenses are to be paid is to be raised out of the poor rate of the several parishes, it will be incumbent upon the overseers to pay out of the poor rates the sums which may be called for by the guardians ; and consequently, it will not be necessary, except where the jurisdiction of the school attendance committee extends over part only of the parish, that the overseers should keep any separate account with reference to these transactions, but the payments will be entered in their ordinary account, in the receipt and payment book.

3. In any case in which the jurisdiction of the school attendance committee extends over a part only of the parish, it is pro-

vided by section 49 of the Act that "the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers, either as a separate rate or as an addition to the poor rate;" and further, that the guardians shall "have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish." The board consider that in any case of this kind the overseers should keep and submit to the auditor, under the provisions of 39 & 40 Vict. c. 61, s. 37, a separate account of this special levy, whether it be collected as a separate rate or as an addition to the poor rate.

I am, Gentlemen,

Your obedient servant,

JOHN LAMBERT,

Secretary.

To the Overseers of the Poor.

Local Government Board,

Whitehall, S.W.,

15th September, 1877.

Sir,—1. I am directed by the Local Government Board to bring under the notice of the guardians the subject of the expenses of the school attendance committee appointed by them, both as regards the mode of payment and the keeping of the necessary accounts.

2. By their general order of 14th April last, the board have directed that the school attendance committee shall, "from time to time," certify to the guardians in a prescribed form the expenses which they have legally incurred. In that form the particulars of the expenditure are to be stated, with the name and address of the person to whom each sum is due. Although the order requires the committee to send to the guardians the estimate of expenses quarterly, it does not fix any period for sending the certificate of the expenses actually incurred. Such certificate is to be sent from time to time, according to the discretion of the committee; but it will probably be found convenient to send it periodically, whether quarterly or otherwise.

3. On the receipt of this certificate, it will devolve upon the guardians to make the necessary payments; and in doing so,

they must follow the course prescribed by the Elementary Education Act, 1876.

4. It is provided by section 31 of that Act, that the expenses of the committee shall be paid "out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish." Having regard, however, to the provisions of section 49, it is clear that the word "parish" in section 31 will mean that part only which is under the jurisdiction of the committee, in any case in which that jurisdiction does not extend over the entire parish. The expenses, therefore, are to be paid, not out of the common fund of the union, but out of a special common fund, which is to be formed by contributions from the several parishes and parts of parishes which are under the jurisdiction of the committee. Those parishes and parts of parishes, therefore, which are within the jurisdiction of a school board, or within a municipal borough, or within the district of an urban sanitary authority which has been authorised to appoint and has appointed a school attendance committee under section 33 of the Act, will be exempt from contributing to the fund in question.

5. In assessing contributions to the common fund in question, the rateable value will be readily ascertained from the approved valuation lists, if there be any ; and if not, from the current poor rate. In the case of a part of a parish, the calculation of the contribution must be confined to the rateable value of that part.

6. For the purpose of raising this special common fund, the guardians have the same powers as they have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor. They will accordingly issue orders to the overseers, calling for the required contributions ; and the board think that these orders should be distinct from the contribution orders issued by the guardians under the Poor Law Acts, though they may be framed in a similar form, adapted to the circumstances of the case. With respect to a part of a parish, it is provided by section 49, that the guardians shall have "the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish ;" and as the same section further provides that in such a case "the overseers of the entire parish shall be deemed to be the overseers of "such part of a parish," the contribution order relating to such part should accordingly be addressed to those overseers.

7. The order should require the overseers to pay the money to the treasurer of the guardians, and he will receive it on behalf of

the guardians. The board think that he should enter it in the same account in which he enters other moneys received on behalf of the guardians, that is to say, in his ordinary account as treasurer, though it will be advisable that the entries should show distinctly that the receipts relate to the school attendance committee. In like manner the board think that he should enter in the same account any sums which may be paid to him under article 16 of the general order of 14th April last, as well as all payments which he may make by direction of the guardians in respect of the expenses of the committee. The treasurer need not keep a separate account of these receipts and payments, but he should mark them distinctly in his general account as relating to the committee ; and with this view the board think that the cheques drawn by the guardians with reference to such payments should be in some way clearly distinguished.

8. The board further consider that it will not be necessary that the guardians should keep a separate ledger or book of accounts with reference to these transactions. It appears to the board that appropriate accounts may be opened in the general ledger, showing the receipts from the several parishes or otherwise, as well as the payments made by the guardians in respect of the special common fund which is contemplated by the Act.

I am, Sir,

Your obedient servant,

JOHN LAMBERT,

Secretary.

To the Clerk to the Guardians.

GENERAL ORDER.—OFFICERS OF SCHOOL ATTENDANCE COMMITTEES ; MONTHLY PAYMENTS.

(Dated the 7th October, 1879.)

ELEMENTARY EDUCATION ACT, 1876.

TO THE GUARDIANS OF THE POOR of the several unions in which school attendance committees may be appointed by guardians under the provisions of the Elementary Education Act, 1876 ;—

TO ALL SCHOOL ATTENDANCE COMMITTEES so appointed ;—

And to all others whom it may concern.

WHEREAS by Article 4 of a general order bearing date the 14th day of April, 1877, and addressed to the guardians of the poor of the several unions in which school attendance committees may be appointed by guardians under the provisions of the Elementary Education Act, 1876, and to all school attendance committees so appointed, the Local Government Board ordered as follows :—

“ Where the school attendance committee, with the consent of the guardians, direct an officer or officers of the guardians to act in the execution of the said Act, or of any byelaws in force within the jurisdiction of the committee, or, with the like consent, appoint an officer or officers for that purpose, such officers shall be termed ‘school attendance officers,’ and such direction or appointment shall be reported to the Local Government Board for their approval within fourteen days afterwards.”

And whereas Articles 9 and 10 of the said general order contain the following provisions with regard to the remuneration of the said officers, and the periods at which such remuneration shall be paid :—

“ Article 9.—The clerk and other officers of the school attendance committee shall receive such salary or remuneration as the committee assign to them and the guardians and the Local Government Board approve.”

“ Provided that the committee, with the approval of the guardians and of the Local Government Board, may pay to any such officer a reasonable compensation by way of gratuity on account of extraordinary services, or other unforeseen circumstances.”

“ Article 10.—If the remuneration be by annual salary, it shall be paid quarterly at the several quarters ending at the usual feast days in the year, namely, Midsummer Day, Michaelmas Day,

Christmas Day, and Lady Day, and shall be considered as accruing from day to day, and be apportionable in respect of time accordingly, in pursuance of the provisions of 'The Apportionment Act, 1870.'"

And whereas it is expedient to alter the provision contained in the said article, No. 10, for the payment of the salaries of the said officers at quarterly periods :

Now therefore, we, the Local Government Board, in pursuance of the powers given to us by the statutes in that behalf, hereby alter Article 10 of the said general order, so far as it provides for the payment of the salaries of the said officers quarterly. And we hereby order, from and after the seventh day of October, 1879, as follows :

Article 1.—The attendance committee may, if they think fit, pay to their officers, or any of them, the amount which shall become due in respect of each monthly service at the end of such month, instead of at the quarterly periods aforesaid.

Article 2.—Every such officer who may be paid monthly under the authority of this order, shall nevertheless make out his account quarterly, according to the above-mentioned days, and submit the same to the guardians on those days, before the last portion of the salary in respect of the quarter is paid to him by them.

Article 3.—In this order,—

The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor.

The term "union" means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as above defined, under any general or local Act.

Given under the seal of office of the Local Government Board, this seventh day of October, in the year one thousand eight hundred and seventy-nine.

G. SCLATER-BOOTH,
President.

JOHN LAMBERT,
Secretary.

**XXII.—ORDER OF LOCAL GOVERNMENT BOARD
PRESCRIBING ATTENDANCE AS REGARDS WORK-
HOUSE SCHOOLS.**

(Dated the 27th October, 1877.)

TO THE GUARDIANS OF THE POOR of the several unions and separate parishes in England and Wales ;—

TO THE BOARDS OF MANAGEMENT of the several district schools formed under the Poor Law Amendment Act, 1844, and the Acts amending the same ;—

And to all others whom it may concern.

WHEREAS by section 5 of the Elementary Education Act, 1876, it is enacted as follows :—

“ A person shall not, after the commencement of this Act, take into his employment (except as hereinafter in this Act mentioned) any child—

(1.) Who is under the age of ten years ; or

(2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as in this Act in that behalf mentioned, unless such child being of the age of ten years or upwards, is employed and is attending school, in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (hereinafter mentioned) made under section 74 of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the education department.”

And whereas, by section 48 of the said Act, it is provided that the term “ certified efficient school ” in that Act means (among other schools) “ any workhouse school certified to be efficient by the local government board ” :

And whereas, by rule No. 11 in the First Schedule to the said Act, it is provided that attendance for the purpose of that Schedule includes, where the attendance is at a workhouse school, such attendance as may be from time to time directed for the purpose by the local government board :

Now, therefore, we, the local government board, in pursuance of the powers given by the statutes in that behalf, hereby direct for the purpose of the said schedule as regards children who attend a workhouse school certified by the local government board to be efficient, as follows :—

Art. 1.—An attendance of a child at a workhouse school certified as aforesaid shall be deemed to be an attendance for the purpose of the said schedule, where such child has attended the school and been under instruction in secular subjects at the morning or afternoon meeting of the school for not less than two hours if the child is above seven years of age, or for not less than one hour and a half if the child is above five and under seven years of age.

Provided, that where a child, if above seven years of age, has so attended and been under instruction in secular subjects for not less than three hours in the morning and one hour in the afternoon of the same day ; or if above five and under seven years of age, for not less than two hours in the morning and one hour in the afternoon of the same day, each such attendance shall in each case be deemed to be attendance for the purpose aforesaid.

Art. 2.—Any time which may be devoted to instruction in drill or to industrial training, other than a reasonable time for needlework in the case of girls, shall not be included in the time prescribed for an attendance for the purpose aforesaid.

Art. 3.—In this order—

The word “union” includes any union of parishes incorporated or united for the relief or maintenance of the poor under any act of parliament ;

The term “separate parish” means a parish or place which is under a separate board of guardians ;

The word “guardians” includes any governors, directors, managers, acting guardians, vestrymen, or other officers appointed or entitled to act in the distribution or ordering of relief to the poor from the poor rates under any Act of parliament ;

The term “workhouse school” includes any school, certified as aforesaid, belonging to a union or separate parish which is under a distinct management from that of the workhouse, whether the school buildings are part of the workhouse premises, or, being separate from the workhouse, are situated either within or without the limits of the union or separate parish, and also any school belonging to a school district formed under the Poor Law Amendment Act, 1844, and Acts amending the same.

Given under the seal of office of the Local Government Board, this twenty-seventh day of October, in the year one thousand eight hundred and seventy-seven.

G. SCLATER-BOOTH,
President.

DANBY P. FRY,
Assistant Secretary.

**ORDER OF LOCAL GOVERNMENT BOARD AS TO
REGISTER OF ATTENDANCE FOR WORKHOUSE
SCHOOLS.**

(Dated the 3rd April, 1878.)

TO THE GUARDIANS OF THE POOR of the several unions
and separate parishes in England and Wales ;—

TO THE BOARDS OF MANAGEMENT of the several dis-
trict schools formed under the Poor Law Amendment Act,
1844, and the Acts amending the same ;—

And to all others whom it may concern.

WHEREAS the local government board, by a general order, dated the 27th day of October, 1877, gave directions with respect to the attendance, for the purpose of the Elementary Education Acts, of children attending workhouse schools certified by the board to be efficient ; and it is expedient that provision should be made with respect to the registration of attendances in every workhouse school, as hereinafter mentioned :

Now, therefore, we, the local government board, in pursuance of the powers given by the statutes in that behalf, hereby order as follows, with respect to the registration of the attendance of children in every workhouse school :—

Art. 1.—The schoolmaster or schoolmistress, as the case may be, shall, within fifteen minutes from the commencement of the required instruction in secular subjects, mark the attendance of each child present at every meeting of the school in an attendance register according to the Form No. 1 in the schedule to this order ; and shall from time to time make out a summary of the attendance register according to the Form No. 2 in the said schedule, which summary shall be duly examined and signed by the clerk.

Art. 2.—The attendance registers shall be produced to the visiting committee on their visits to the school, and to the guardians or the board of management at such times as they may direct.

Art. 3.—Every attendance register shall be carefully preserved by the guardians or the board of management for ten years.

Art. 4.—The standards of examination to be observed shall be those prescribed in the code of the education department in force for the time being. A list of the children arranged according to such standards shall be prepared by the schoolmaster or schoolmistress, as the case may be, and presented to the school inspector

of the local government board at the time of his annual examination of the school.

Art. 5.—The instruction in the school shall be given at the time specified in a time-table to be prepared by the schoolmaster or schoolmistress, and approved by the guardians or board of management, as the case may be.

Art. 6.—In this order—

The word “union” includes any union of parishes incorporated or united for the relief or maintenance of the poor under any Act of parliament ;

The term “separate parish” means a parish or place which is under a separate board of guardians ;

The word “guardians” includes any governors, directors, managers, acting guardians, vestrymen, or other officers appointed or entitled to act in the distribution or ordering of relief to the poor from the poor rates under any Act of parliament ;

The term “clerk” means the clerk to the guardians or the clerk to the board of management, as the case may be ;

The term “workhouse school” includes any school belonging to a union or separate parish which is under distinct management from that of the workhouse, whether the school buildings are part of the workhouse premises, or, being separate from the workhouse, are situated either within or without the limits of the union or separate parish, and also any school belonging to a school district formed under the Poor Law Amendment Act, 1844, and Acts amending the same.

Form No. 1.

SCHEDULE.

ATTENDANCE REGISTER.

Quarter ending _____ 18__.

Union. Workhouse school at _____.

No.	NAMES.	Age last birth-day.	Standard in which last examined.	Attendances during the weeks ended						Total attendances for the week.	Total attendances for the quarter.	No.
				M.	T.	W.	Th	F.	S.			
1												1
2												2
3												3
4												4
5												5
6												6
7												7
8												8
9												9
10												10
11												11
12												12
13												13
14												14
15												15
16												16
17												17
18												18
				Number of school meetings during the week . . .								

(This and six preceding columns are repeated for 12 weeks.)

Total number of school meetings during the quarter.

SCHOOLMASTER OR SCHOOLMISTRESS.

The schoolmaster or schoolmistress, as the case may be, is responsible for the accurate keeping of this register.

Every attendance must be marked in ink at each meeting of the school; the morning attendance by a stroke marked thus /; the afternoon attendance thus \.

A horizontal line - will denote that no meeting of the school has taken place.

Absence through sickness must be shown by the letter "S."

Absence on account of industrial work should be shown by the letter "W."

Absence through any other cause should be shown by the letter "A."

There should be no erasures, and no blanks.

WORKHOUSE SCHOOLS—ATTENDANCE REGISTER. 423

FORM No. 2
SUMMARY OF ATTENDANCE REGISTER.

Union.		Year ending _____ 18 .					
No.	NAMES.	Standard in which last examined.	Attendances during the Quarters ended.				Total Attendance for the Year.
1							
2							
3							
4							
5							
6							
7							
8							
		Totals .	—	—	—	—	—

FORM No. 2.—continued.

NUMBER OF SCHOOL MEETINGS :—						
Quarter ended	-	-	-	-	-	-
Quarter ended	-	-	-	-	-	-
Quarter ended	-	-	-	-	-	-
Quarter ended	-	-	-	-	-	-
Total				-	-	—
• Average Number of Scholars in attendance				}		—

* The Average Number of Scholars in attendance will be found by dividing the total number of attendances by the total number of school meetings.

SCHOOLMASTER OR SCHOOLMISTRESS.
Examined on behalf of the Guardians,
_____ { Clerk to the Guardians [or to the
Board of Management.]

Given under the seal of office of the Local Government Board,
this third day of April, in the year one thousand eight
hundred and seventy-eight. G. SCLATER-BOOTH,
JOHN LAMBERT, *Secretary.* *President.*

An order to the like effect has since been issued to the board
of management of the metropolitan asylums district with refer-
ence to the training-ship *Exmouth*.

XXIII.—DAY INDUSTRIAL SCHOOLS.

ORDER IN COUNCIL.

At the Court at Windsor, the 20th day of March, 1877.

PRESENT,

The QUEEN'S Most Excellent Majesty in Council.

WHEREAS, by the 16th section of the Elementary Education Act, 1876, it is enacted as follows :

If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act, referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

It shall be lawful for Her Majesty from time to time, by order in council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act ; and such order may provide that a child may be punished for an offence by being sent to a certified industrial, in lieu of a certified reformatory, school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by order in council, to revoke and vary any order in council made under this section.

Every such order shall be laid before both houses of parliament within one month after it is made, if parliament be then sitting, or if not, within one month after the beginning of the then next session of parliament, and while in force shall have effect as if it were enacted in this Act.

Now, therefore, in pursuance of the above-mentioned Act, Her Majesty is pleased, by and with the advice of Her most honourable Privy Council, to order that the following provisions, being modified provisions of the Industrial Schools Act, 1866, and the

Acts amending the same, shall apply to certified day industrial schools :

Extent of Order.

1. This order shall not extend to Scotland or Ireland.

CONSTITUTION OF CERTIFIED DAY INDUSTRIAL SCHOOLS.

Description of Day Industrial Schools and Managers (29 & 30 Vict. c. 118, s. 5).

2. A day industrial school within this order shall mean a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children.

The persons for the time being having the management or control of such a school shall be deemed the managers thereof for the purposes of this order.

Inspector of Day Industrial Schools and Assistants (29 & 30 Vict. c. 118, s. 6).

3. The person who for the time being is inspector of industrial schools under the Industrial Schools Act, 1866, shall be also the inspector of day industrial schools.

The Secretary of State may from time to time appoint a fit person or persons to assist the inspector ; and every person so appointed shall have such of the powers and duties of the inspector of day industrial schools as the Secretary of State from time to time prescribes, but shall act under the direction of the inspector.

Mode of Certifying Day Industrial School (29 & 30 Vict. c. 118, s. 7).

4. The Secretary of State may, on the application of the managers of a day industrial school, direct the inspector of day industrial schools to ascertain whether such school is in the neighbourhood of any class of population in any school district the circumstances of which class are such that a day industrial school is necessary or expedient for the proper training and control of the children belonging to such class, and to examine into the condition of the school with respect to which the application is made, and its fitness for the reception of children to be sent there under this order, and to report to him thereon, and the inspector shall examine and report accordingly.

If satisfied with the report of the inspector, the Secretary of State may, by writing under his hand, certify that the school is fit

for the reception of children under this order, and thereupon the school shall be deemed a certified day industrial school.

School not to be Certified Day Industrial School and also a Certified Industrial School or Reformatory (29 & 30 Vict. c. 118, s. 8).

5. A school shall not be at the same time a certified day industrial school under this order, and a certified industrial school under the Industrial Schools Act, 1866, or any other Act, or a certified reformatory school.

Notices of Certificate to be Gazetted. Copy of Gazette to be Evidence (29 & 30 Vict. c. 118, s. 9).

6. A notice of the grant of such certificate shall within one month be inserted by order of the Secretary of State in the *London Gazette*.

A copy of the gazette containing the notice shall be conclusive evidence of the grant, which may also be proved by the certificate itself, or by an instrument purporting to be a copy of the certificate, and attested as such by the inspector of day industrial schools.

Inspection of School (29 & 30 Vict. c. 118, s. 10).

7. Every certified day industrial school shall from time to time, and at least once in each year, be inspected by the inspector of day industrial schools, or by a person appointed to assist him as aforesaid.

Alterations, &c., of Buildings to be Approved (29 & 30 Vict. c. 118, s. 11).

8. No substantial addition or alteration shall be made to or in the buildings of any certified day industrial school without the approval in writing of the Secretary of State.

Powers of Prison Authority.

9. Whereas it is enacted, by the 16th section of the Elementary Education Act, 1876, that a prison authority within the meaning of the Industrial Schools Act, 1866, shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school :

It is hereby declared that a prison authority shall have the following powers :

Power to Undertake or Contribute towards Establishment or Maintenance of School (29 & 30 Vict. c. 118, s. 27 ; 35 & 36 Vict. c. 21, s. 7).

- (a) A prison authority may from time to time either themselves undertake or contribute such sums of money on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified day industrial school or the support of the inmates of such a school, or the management of such a school, or the establishment or building of a school intended to be a certified day industrial school, or the purchase of land required either for the use of an existing certified day industrial school, or for the site of a school intended to be a certified day industrial school.

Provided,—

First, that not less than two months' previous notice of the intention of the prison authority, at a time and place to be mentioned in such notice, to take into consideration the entering into such undertaking or the making of such contribution, be given by advertisement in some one or more public newspaper or newspapers circulated within the jurisdiction of the prison authority, and also in the manner in which notices relating to business to be transacted by the prison authority are usually given :

Secondly, that where the prison authority is the council of a borough, the order for the undertaking or contribution be made at a special meeting of the council :

Thirdly, that where the undertaking or contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the Secretary of State be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.

Expenses of Prison Authority how Defrayed (29 & 30 Vict. c. 118, s. 50).

- (b.) Expenses incurred by a prison authority in carrying into effect the provisions of this order may be deemed expenses incurred by that authority in carrying into effect the provisions of the Prison Act, 1865, and may be defrayed accordingly.

Power to Borrow Money for Purposes of Day Industrial Schools
(37 & 38 Vict. c. 47, s. 2).

- (c.) Any prison authority may, with the approval of one of Her Majesty's principal secretaries of state, borrow money for the purpose of defraying the expense of any such undertaking or contribution on the part of such prison authority as is authorised by this order with respect to altering, enlarging, rebuilding, establishing, building, or purchasing the site of any day industrial school.

Charge of Borrowed Moneys (37 & 38 Vict. c. 47, s. 3).

Any moneys borrowed by a prison authority under this order may be charged by that authority on any county rate, or rate in the nature of a county rate, borough rate, or other rate applicable to the maintenance of a prison and leviable by that authority, or on any other property belonging to that authority and applicable to the same purpose as the said rates, and shall be repaid, together with the interest due thereon, out of such rates or other property.

Certain Clauses of 10 & 11 Vict. c. 16, as to Borrowing Money Incorporated (37 & 38 Vict. c. 47, s. 4; 35 & 36 Vict. c. 21, s. 8).

The clauses of "The Commissioners Clauses Act, 1847," with the exception of the eighty-fourth clause with respect to mortgages to be created by the commissioners, shall form part of and be incorporated with this order, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

In the construction of the said clauses "the commissioners" shall mean "the prison authority."

Where a prison authority borrows any money under this order they shall charge the rates or property out of which the moneys borrowed are payable, not only with the interest of the moneys so borrowed, but also with the payment of such further sum as will ensure the repayment of the whole sum borrowed within thirty years.

Provided nevertheless,—

That in any borough having a school board, none of the powers declared by this order to be exercisable by a prison authority shall be exercisable by the council of the borough as such prison authority, except that if during not less than six months before the election of a school board in such borough the council has contributed to or maintained a day industrial

school the powers declared by this order to be exercisable by the prison authority shall not cease to be exercisable by the council with respect to such school until the school board in the borough resolve in the manner and with the consent (if any) prescribed by this order to contribute towards or to maintain such day industrial school; and notwithstanding any such resolution of the school board, any such day industrial school which was so maintained by the council may continue to be maintained by the council until the council agree to transfer such school to the school board.

Powers of school board.

10. Whereas, by the 16th section of the Elementary Education Act, 1876, it is enacted that a school board shall have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school.

And whereas, by the 15th section of the same Act, it is enacted as follows :

The consent of one of Her Majesty's principal secretaries of state, and not of the education department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section 10 of the Elementary Education Act, 1873, shall be held to apply to the loan in like manner as if one of Her Majesty's principal secretaries of state were substituted therein for the education department, and such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the first schedule to the Public Works Loans Act, 1875 :

It is hereby declared and ordered that the following powers shall be exercisable by a school board :

Power to Contribute towards Establishment or Maintenance of School
(39 & 40 Vict. c. 79, s. 16; 33 & 34 Vict. c. 75, s. 27; 29 & 30 Vict. c. 118, s. 12; 36 & 37 Vict. c. 86, s. 14).

(a.) A school board may from time to time contribute such sums of money and on such conditions as they think fit, towards the alteration, enlargement, or rebuilding of a certified day industrial school, or towards the support of the inmates of such a school, or towards the management of such a school, or towards the establishment or

building of a school intended to be a certified day industrial school, or towards the purchase of land required either for the use of an existing certified day industrial school, or for the site of a school intended to be a certified day industrial school.

Provided—

1stly. That not less than fourteen days' previous notice of the intention of the school board, at a time and place to be mentioned in such notice, to take into consideration the making of such contribution, be given by advertisement in some one or more public newspaper or newspapers circulated within the school district, and also in the manner in which notices relating to business to be transacted by the school board are usually given.

2ndly. That where the contribution is for alteration, enlargement, rebuilding, establishment, or building of a school or intended school, or for purchase of land, the approval of the secretary of state be previously given for that alteration, enlargement, rebuilding, establishment, building, or purchase.

Power to Establish and Maintain School (39 & 40 Vict. c. 79, s. 16; 33 & 34 Vict. c. 75, s. 28; 39 & 40 Vict. c. 79, s. 15).

- (b.) A school board may also, with the consent of the secretary of state, establish, build, and maintain a certified day industrial school, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district; and may further, with the like consent, spread the payment of such establishment and building over a number of years not exceeding fifty, and borrow money for that purpose; and for the purpose of such borrowing section 10 of the Elementary Education Act, 1873, shall be held to apply to the loan in like manner as if a secretary of state were substituted therein for the education department, and such establishment and building shall be deemed to be a work for which a school board is authorized to borrow within the meaning of the first schedule of the Public Works Loans Act, 1875.

A certified day industrial school so established, built, or maintained by a school board shall be subject to the jurisdiction of the secretary of state, and not of the education department, and shall be subject to the provisions of this order.

Provided always—

That none of the powers declared by this clause of this order to be exercisable by a school board shall be exercisable in the case of a certified day industrial school which the council of the borough, as the prison authority, has maintained during not less than six months before the election of the original board, so long as the council themselves continue to maintain such school.

Mode of Obtaining Approval of Secretary of State (29 & 30 Vict. c. 118, s. 13).

11. In order to obtain the approval of the secretary of state as aforesaid where required, the managers of the school, or promoters of the intended school, shall forward to the secretary of state particulars of the proposed establishment or purchase, and a plan of the proposed alteration, enlargement, rebuilding, or building drawn on such scale, and accompanied by such particulars and estimate of cost as the secretary of state thinks fit to require; and the secretary of state may approve of the particulars and plan submitted to him, with or without modification, or, may disapprove of the same, and his approval or disapproval shall be certified by writing under his hand.

CLASSES OF CHILDREN IN CERTIFIED DAY INDUSTRIAL SCHOOLS.

12. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, that any child authorized by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school, it is hereby ordered and declared as follows:

Children sent under Order of Detention. (a.) Children under 14 years of age found begging, &c. (29 & 30 Vict. c. 118, s. 14).

(a.) Any person may bring before a court of summary jurisdiction any child apparently under the age of fourteen years that comes within either of the following descriptions, namely,—

That is found begging or receiving alms (whether actually or under the pretext of selling or offering for sale anything), or being in any street or public place for the purpose of so begging or receiving alms;

That frequents the company of reputed thieves.

The court before whom a child is brought as coming within one of those descriptions, if satisfied on inquiry

of that fact, and that it is expedient to deal with him under this order, may by an order of detention order him to be sent to a certified day industrial school.

(b.) *Children under 12 years of age charged with offences (29 & 30 Vict. c. 118, s. 15).*

(b.) Where a child apparently under the age of twelve years is charged before a court of summary jurisdiction with an offence punishable by imprisonment or a less punishment, but has not been convicted in England or Ireland of felony, or in Scotland of theft, and the child ought, in the opinion of the court (regard being had to his age and to the circumstances of the case), to be dealt with under this order, the court may, by an order of detention, order him to be sent to a certified day industrial school.

(c) *Refractory children under 14 years of age in charge of parent, &c. (29 & 30 Vict. c. 118, s. 16).*

(c.)^a Where the parent of a child apparently under the age of fourteen years represents to a court of summary jurisdiction that he is unable to control the child, and that he desires that the child be sent to a certified day industrial school, the court, if satisfied on inquiry that it is expedient to deal with the child under this order, may by an order of detention order him to be sent to a certified day industrial school.

Such order of detention shall be made in manner hereinafter provided in that behalf.

Children sent under attendance order.

13. Whereas, by the 11th section of the Elementary Education Act, 1876, it is enacted in the following terms :

If either—

(1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child ; or

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals ;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary

jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse :

- (1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend ; or
- (2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

And whereas, by the 16th section of the same Act, it is declared that a certified day industrial school shall be deemed to be a certified efficient school within the meaning of the Act :

It is hereby ordered and declared that in the event of the court determining to make an attendance order requiring a child to attend a certified day industrial school, such attendance order shall be made in manner hereinafter provided in that behalf.

Children sent under order of detention for non-compliance with attendance order.

14. Whereas it is enacted, by the 12th section of the Elementary Education Act, 1876, in the following terms :

Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows :

- (1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding, with the costs, five shillings ; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school ; and
- (2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent

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to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school ;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

It is hereby ordered and declared that if on non-compliance with an attendance order a court of summary jurisdiction, in pursuance of the said 12th section of the said Act, order a child to be sent to a certified day industrial school, such order shall be an order of detention within the meaning of this order, and shall be made in manner hereinafter provided in that behalf.

Children attending school without order of court.

15. Whereas by the 16th section of the Elementary Education Act, 1876, it is enacted to the effect that the managers of a certified day industrial school may upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as the secretary of state from time to time fixes, receive such child into the school without an order of court :

It is hereby ordered that in such case as aforesaid the undertaking of the parent may be made as hereinafter provided in that behalf.

Duty of local authority as to taking proceedings.

16. Whereas, by the 13th section of the Elementary Education Act, 1876, it is enacted as follows :

Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local

authority from the responsibility of performing their duty under the other provisions of this Act.

It is hereby ordered and declared that in any proceedings taken by a local authority with a view to obtaining an order of detention ordering a child to be detained in a certified day industrial school, or an attendance order requiring a child to attend a certified day industrial school, the provisions of this order, so far as the same may be applicable, shall be strictly observed.

Child attending certified day industrial school in pursuance of licence from the managers of certified industrial school.

17. Whereas, by the 14th section of the Elementary Education Act, 1876, it is enacted as follows :

Where a child is sent to a certified industrial school under this Act, or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent, give him a licence under section 27 of the Industrial Schools Act, 1866, to live out of the school, but the licence shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the licence, some school willing to receive him and named in the licence, and being a certified efficient school.

It is hereby ordered, that any child who in pursuance of such a licence attends a certified day industrial school shall be subject to the provisions of this order, relating to a child attending a certified day industrial school without an order of court.

PROVISIONS AS TO ORDERS OF DETENTION, ATTENDANCE ORDERS, CONTRIBUTIONS OF PARENTS, ETC.

Provisions as to order of detention.

18. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, as follows :

Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school, such sum, not exceeding two shillings per week, as is named in the order ; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act ; if a parent

resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees.

Hours during which child may be detained at school under order of detention.

And whereas, by the same section of the Elementary Education Act, 1876, it is enacted that any child sent to a certified day industrial school by an order of a court (other than an attendance order under that Act) may during the period specified in the order be there detained during such hours as may be authorized by the rules of the school approved by the said secretary of state, in this order referred to under the expression "school hours."

Form and contents of order sending child to school (29 & 30 Vict. c. 118, s. 18).

It is hereby ordered that with respect to an order of detention in a certified day industrial school the following provisions shall apply :

- (a.) The order of detention shall be in writing, signed by the magistrate or one of the justices constituting the court of summary jurisdiction, and shall specify the name of the school :
- (b.) The school shall be some certified day industrial school within two miles of the residence of the child (whether situate within the jurisdiction of the court making the order or not), the managers of which are willing to receive the child ; and in determining on such school the court shall endeavour to ascertain the religious persuasion to which the child belongs, and shall, if possible, select a school conducted in accordance with such religious persuasion, and the order shall specify such religious persuasion :
- (c.) The order shall specify the period for which the child is during school hours to be detained in the school, being such period as to the court seems proper for the teaching and training of the child, but not in any case for more than three years or extending beyond the time when the child will attain the age of fourteen years.

Order to be warrant for detention (29 & 30 Vict. c. 118, s. 22).

- (d.) The order of detention in a school shall be forwarded to the managers of the school, and shall be a sufficient warrant for the detention of the child there during school hours; and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, during the whole period for which he is liable to be detained in the school, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school out of money provided by parliament is discontinued, whichever shall first happen :

(29 & 30 Vict. c. 118, s. 20.)

- (e.) If the parent, step-parent, or guardian, or if there be no parent, step-parent, or guardian, then the god-parent or nearest adult relative of a child sent or about to be sent under an order of detention to a certified day industrial school which is not conducted in accordance with the religious persuasion to which the child belongs, states to the court of summary jurisdiction by whom the order of detention has been or is about to be made, that he objects to the child being sent to or detained in the school specified or about to be specified in the order, and names another certified day industrial school within two miles of the residence of the child which is conducted in accordance with the religious persuasion to which the child belongs, and signifies his desire that the child be sent thereto, then and in every such case the court shall, upon proof of such child's religious persuasion, comply with the request of the applicant, provided—

First. That the application be made before the child has been sent to a certified day industrial school or within 30 days after his arrival at such school :

Secondly. That the applicant show to the satisfaction of the court of summary jurisdiction that the managers of the school named by him are willing to receive the child.

Provisions as to attendance order.

19. Whereas it is enacted, by the 16th section of the Elementary Education Act, 1876, that the managers of a certified day industrial school may, on the request of a local authority and of

the parent of a child, and on the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child not less than one shilling a week, as a secretary of state from time to time fixes, receive such child into the school under an attendance order :

And whereas, by the 11th section of the same Act, it is enacted in effect that any child under an attendance order requiring him to attend a certified day industrial school shall attend that school every time that the school is open, or in any other regular manner as is specified in the order :

It is hereby ordered that with respect to an attendance order requiring attendance in a certified day industrial school, the following provisions shall apply :

- (a.) The attendance order shall be in writing, signed by the magistrate or one of the justices constituting the court of summary jurisdiction, and shall specify the name of the school, and the religious persuasion to which the child appears to the court to belong :
- (b.) The school shall be some certified day industrial school, the managers of which are willing to receive the child, and shall be selected by the parent, and shall be situated within two miles of the residence of the child :
- (c.) The attendance order shall specify the period for which the child is to attend the school, being such period as to the court seems proper, but not in any case for more than one year or extending beyond the time when the child will attain the age of 14 years :
- (d.) Unless the order otherwise specifies, the child shall, so long as the attendance order is in force, attend the school every time that the school is open :
- (e.) The attendance order shall be forwarded to the managers of the school, and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, during the whole period during which such attendance order is in force, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school of money provided by parliament is discontinued, whichever shall first happen : provided that such undertaking of the managers shall be suspended during any week with respect to which the contribution of the parent has not been paid in advance.

Provisions as to child attending without order of court.

20. Whereas it is enacted, by the 16th section of the Elementary Education Act, 1876, that the managers of a certified day industrial school may, on the request of a local authority and of the parent of a child, and on the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a secretary of state from time to time fixes, receive such child into the school without an order of the court: it is hereby ordered that the reception of the child by the managers of a school shall be taken to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, for the term agreed upon with the managers, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school of money provided by parliament is discontinued, whichever shall first happen: provided that such undertaking of the managers shall be suspended during any week with respect to which the contribution of the parent has not been paid in advance.

The undertaking of the parent shall specify the religious persuasion to which the child belongs. and may be made in the form set forth in the schedule hereto.

PARLIAMENTARY GRANT TO AND MANAGEMENT OF SCHOOL.

Inspectors to see that conditions as to parliamentary grant are observed.

21. Whereas it is enacted, by the 16th and 17th sections of the Elementary Education Act, 1876, as follows:

There may be contributed out of moneys provided by parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a secretary of state from time to time recommends:

* * * * *

The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a secretary of state from time to time fixes, receive such child into the school under an attendance order or without an order of a court: and there may be contributed out of moneys provided

the parent of a child, and on the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child not less than one shilling a week, as a secretary of state from time to time fixes, receive such child into the school under an attendance order :

And whereas, by the 11th section of the same Act, it is enacted in effect that any child under an attendance order requiring him to attend a certified day industrial school shall attend that school every time that the school is open, or in any other regular manner as is specified in the order :

It is hereby ordered that with respect to an attendance order requiring attendance in a certified day industrial school, the following provisions shall apply :

- (a.) The attendance order shall be in writing, signed by the magistrate or one of the justices constituting the court of summary jurisdiction, and shall specify the name of the school, and the religious persuasion to which the child appears to the court to belong :
- (b.) The school shall be some certified day industrial school, the managers of which are willing to receive the child, and shall be selected by the parent, and shall be situated within two miles of the residence of the child :
- (c.) The attendance order shall specify the period for which the child is to attend the school, being such period as to the court seems proper, but not in any case for more than one year or extending beyond the time when the child will attain the age of 14 years :
- (d.) Unless the order otherwise specifies, the child shall, so long as the attendance order is in force, attend the school every time that the school is open :
- (e) The attendance order shall be forwarded to the managers of the school, and the reception of the child by the managers of the school shall be deemed to be an undertaking by them to provide him with industrial training, elementary education, and one or more meals a day, but not lodging, during the whole period during which such attendance order is in force, or until the withdrawal or resignation of the certificate of the school takes effect, or until the contribution to the school of money provided by parliament is discontinued, whichever shall first happen : provided that such undertaking of the managers shall be suspended during any week with respect to which the contribution of the parent has not been paid in advance.

by parliament in respect of that child such sum not exceeding sixpence a week and on such conditions as a secretary of state from time to time recommends.

* * * * *

The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the secretary of state, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools ; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a secretary of state for the purposes of contributions to a day industrial school shall be laid before parliament in the same manner as minutes of the education department relating to the annual parliamentary grant.

It is hereby ordered that it shall be the duty of the inspector of day industrial schools, acting under the directions of the secretary of state, to ascertain that such conditions have been duly observed.

Inspector to see that certain provisions of Elementary Education Act, 1876, and regulations of education department as to certificates and registers are observed.

22. Whereas, by the 5th section of the Elementary Education Act, 1876, it is enacted that a person shall not take into his employment (except as thereafter in the said Act mentioned) any child who, being of the age of 10 years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school (which includes a certified day industrial school) as is in that Act in that behalf provided, unless in the circumstances specified in the said section :

And whereas, by the 24th section of the same Act, it is enacted as follows :

The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the first schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The education department may from time to time by order make, and when made revoke and vary, regulations with

respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the education department under this section shall be laid before parliament in the same manner as minutes of the education department relating to the annual parliamentary grant.

And whereas the first schedule to the said Act provides that for the purpose of employment the standards shall be the following:

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not.

(3.) During the four years next after the commencement of this Act, the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table:

During the Year.	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic fixed by the following Standard of the Code of 1876, or any higher Standard, namely,—	The Standard of previous due Attendance shall be	
		The following Number of Attendances.	In not more than Two Schools during each Year for the following Number of Years, whether consecutive or not.
1877	Second	250	Two.
1878	Second	250	Two.
1879	Third	250	Three.
1880	Third	250	Four.

Provided that—

- (a.) In the case of a school district in which for not less than three years before the commencement of this Act byelaws have been in force requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency corresponding to the fourth standard of the Code of 1876 or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.
- (b.) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the table a certificate requiring a higher standard is required for that year.

And whereas, by the same schedule, it is further provided that attendance for the purpose of the said schedule, where the attendance is at a certified day industrial school, includes such attendance as may be from time to time directed for the purpose by a secretary of state ; and that the Code of 1876 in the said schedule means, in England, the code of the minutes of the education department made in the year 1876 with respect to the parliamentary grant to public elementary schools in England.

It is hereby ordered that it shall be the duty of the inspector of day industrial schools to see that the provisions of the said Act and the regulations of the education department as to certificates and registers and other matters relating thereto, be strictly observed in certified day industrial schools.

28 & 29 Vict. c. 118, s. 25.

23. A minister of the religious persuasion which, as the case may be, is specified in the order of detention or attendance order as that to which the child appears to the court making the order to belong, or specified in the undertaking of the parent of a child attending the school without an order of court as that to which the child belongs, may visit the child at the school on such days and at such times as are from time to time fixed by regulations made by the secretary of state for the purpose of instructing him in religion.

33 & 34 Vict. c. 75, s. 7 (1).

It shall not be required as a condition of any child being admitted into or continuing in a certified day industrial school, whether under an order of detention, attendance order, or otherwise, that he shall attend or abstain from attending any Sunday school or any place of worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere to which observance or instruction his parent objects, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, and the parent may, on any such day, withdraw the child accordingly.

Rules of school to be approved by secretary of state (29 & 30 Vict. c. 118, s. 29).

24. The managers of a certified day industrial school may from time to time make rules for the management and discipline of the school, not being inconsistent with the provisions of this order: but those rules shall not be enforced until they have been approved in writing by the secretary of state; and rules so approved shall not be altered without the like approval.

A printed copy of rules purporting to be the rules of a school so approved and to be signed by the inspector of day industrial schools shall be evidence of the rules of the school.

Evidence as to reception in school, &c. (29 & 30 Vict. c. 118, s. 30).

25. A certificate purporting to be signed by one of the managers of a certified day industrial school or their secretary, or by the superintendent or other person in charge of the school, to the effect that the child therein named was duly received into and is at the signing thereof liable to detention in the school under an order of detention, or required to attend thereat under an attendance order, or has been duly discharged or removed therefrom, or otherwise disposed of according to law, shall be evidence of the matters therein stated.

School presumed to be certified (29 & 30 Vict. c. 118, s. 18).

26. The industrial school named in an order of detention or an attendance order shall be presumed to be a certified day industrial school until the contrary is shown.

Evidence of order of detention or attendance order (29 & 30 Vict. c. 118, s. 24).

27. An instrument purporting to be an order of detention, or an attendance order, and to be signed by two justices or a magistrate, or purporting to be a copy of such an order and to be certified as such a copy by the clerk to the court by whom the order was made, shall be evidence of the order.

OFFENCES AT SCHOOL, ETC.

Penalty for child under detention order not attending school or not conforming to rules (29 & 30 Vict. c. 118, s. 32).

28. Where an order of detention has been made ordering a child to be sent to a certified day industrial school, then if, whilst such order is in force, the child wilfully neglects to attend thereat, or wilfully neglects or wilfully refuses to conform to the rules of the school, he shall be guilty of an offence against this order, and may, at any time before the expiration of his period of detention, be apprehended without warrant, and brought before a court of summary jurisdiction, and on summary conviction of such offence shall be liable to be sent to a certified industrial school as if he were a child coming within the provisions of the 14th section of the Industrial Schools Act, 1866, or, in the discretion of the court, to be so sent in default of the child finding a surety or sureties for his due attendance at school and conformity with the rules thereof for a period of six months : Provided that the court, if it think fit, may, without proceeding to conviction, dismiss the child with a warning.

Penalty for preventing child from attending school in accordance with order of detention (29 & 30 Vict. c. 118, s. 33).

29. Where an order of detention has been made ordering a child to be sent to a certified day industrial school, then if, whilst such order is in force any person knowingly induces the child not to attend such school, or knowingly prevents or knowingly assists in preventing him from attending such school, or knowingly conceals the child in order that he may not be sent to such school he shall be guilty of an offence against this order, and, on conviction thereof before a court of summary jurisdiction, shall be liable to a penalty not exceeding 5*l*.

DISCHARGE, ETC., OF CHILDREN FROM SCHOOL.

Discharge by secretary of state or court of summary jurisdiction.

30. An order of discharge of a child from an order of detention or an attendance order may be made—

- (a.) By the secretary of state ; or
- (b.) By the same court of summary jurisdiction as that which made the original order upon the application or with the consent, in the case of a child under an order of detention, of the local authority or prison authority at whose instance such order of detention was made, and, in the case of a child under an attendance order, of the local authority.

Transfer by court of summary jurisdiction.

31. A child under an order of detention or attendance order may by an order of transfer, made by a court of summary jurisdiction, be transferred to another certified day industrial school, the managers whereof are willing to receive him, subject to the following provisions :—

1. The court making the order of transfer shall be the same court as that which made the original order of detention or attendance order.
2. The order of transfer shall not be made; in the case of a child under an order of detention, except on the application of the local authority or prison authority, or the parent of the child, and, in the case of a child under an attendance order, except on the request of the local authority and the parent.
3. The residence of the child shall be either the same as at the date of the original order, or in a place under the jurisdiction of the same guardians.
4. The school, in the case of a child under an order of detention, shall, if possible, be a school conducted in accordance with the religious persuasion specified in such order as that to which the child appears to belong ; and, in the case of a child under an attendance order, shall be selected by the parent ; and in either case shall be within two miles of the residence of the child.
5. The order of transfer shall specify the religious persuasion to which such child belongs.
6. The order of transfer shall be forwarded to the managers of the school named therein.

Upon the making of an order of transfer the original order, and the undertaking (if any) made by the parent to contribute, shall continue to apply as if for the school named in the original order and undertaking there were substituted the school named in the order of transfer.

The power conferred by this clause of transferring a child under an order of detention shall be in addition to the provision for transfer contained in the 18th clause of this order.

WITHDRAWAL, ETC., OF CERTIFICATE OF SCHOOL

Power for secretary of state to withdraw certificate (29 & 30 Vict. c. 118, s. 44).

32. Whereas it is enacted by the 16th section of the Elementary Education Act, 1876, as follows :—

If a secretary of state is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if parliament be then sitting, or, if not, within one month after the then next meeting of parliament.

It is hereby ordered that such notice shall be under the hand of the secretary of state, and shall be addressed to and served on the managers of such school, and shall declare that the certificate of the school is withdrawn as from a time specified in the notice, not being less than six months after the date thereof ; and at that time the certificate shall be deemed to be withdrawn accordingly, and the school shall thereupon cease to be a certified day industrial school.

Resignation of certificate by managers (29 & 30 Vict. c. 118, s. 45).

33. The managers or the executors or administrators of a deceased manager (if only one) of a certified day industrial school may give notice in writing to the secretary of state of their intention to resign the certificate of that school, and at the expiration in the case of managers of six months, and in the case of executors or administrators of one month, from the receipt of that notice by the secretary of state (unless before that time the notice is with-

drawn) the certificate shall be deemed to be resigned accordingly, and the school shall thereupon cease to be a certified day industrial school.

*Gazetting and evidence of withdrawal, &c. (29 & 30 Vict.
c. 118, s. 46).*

34. A notice of the withdrawal or resignation of the certificate of a certified day industrial school shall within one month be inserted by order of the secretary of state in the *London Gazette*.

A copy of the gazette containing such notice shall be conclusive evidence of such withdrawal or resignation.

A certificate shall be presumed to be in force until the withdrawal or resignation thereof is proved.

*Cesser of reception of children on notice, &c. (29 & 30 Vict.
c. 118, s. 47).*

35. Where notice is given of the withdrawal or resignation of the certificate of a certified day industrial school, no child shall be received into the school under this order after the receipt by the managers of the school of the notice of withdrawal, or after the date of the notice of resignation, as the case may be, but the obligation of the managers to provide industrial training, elementary education, and one or more meals a day, but not lodging, for the children who may at the time of such receipt or at the date of such notice be attending such school, whether under an order of detention, or under an attendance order, or without an order, shall, except as far as the secretary of state otherwise directs, be deemed to continue until the withdrawal or resignation of the certificate takes effect, or until the contribution out of money provided by parliament towards the school is discontinued, whichever shall first happen ; provided that in the case of a child attending school under an attendance order, or without an order, such obligation shall be suspended during any week in respect of which the contribution of the parent has not been paid in advance.

*Discharge or transfer of children detained, &c. (29 & 30 Vict.
c. 118, s. 48).*

36. Where a school ceases to be a certified day industrial school the children who are under an order of detention or order of attendance at the school shall be discharged by order of the secretary of state, or transferred in manner aforesaid to some other certified day industrial school by orders of transfer made by a court of summary jurisdiction.

MISCELLANEOUS.

Use of forms in schedule (29 & 30 Vict. c. 118, s. 52).

37. No summons, notice, or order made for the purpose of carrying into effect the provisions of this order shall be invalidated for want of form only ; and the forms in the schedule to this order annexed, or forms to the like effect, may be used in the cases to which they refer, with such variations as circumstances require, and when used shall be deemed sufficient.

Provided that any such form shall cease to be available in the event of the secretary of state making obligatory the use of another form for the same purpose under the 16th section of the Elementary Education Act, 1876, by which the secretary of state has power from time to time to make, and when made, to revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

Service of notices on managers (29 & 30 Vict. c. 118, s. 53).

38. Any notice may be served on the managers of a certified day industrial school by being delivered to any one of them personally, or by being sent by post or otherwise in a letter addressed to them or any of them at the school, or at the usual or last known place of abode of any of the managers, or of their secretary.

Legal proceedings (36 & 37 Vict. c. 86, s. 23).

39. The Summary Jurisdiction Acts shall apply to all offences, payments, and orders in respect of which jurisdiction is by this order given to a court of summary jurisdiction, or which are by this order directed to be prosecuted, enforced, or made in a summary manner or on summary conviction.

The court of summary jurisdiction, when hearing and determining an information or complaint, or making an order under this order, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace.

Definitions.

40. In this order—

The term "child" means a child between the ages of five years and fourteen years :

The term "parent" includes guardian, and every person who is liable to maintain or has the actual custody of a child :

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same :

The term "the Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," inclusive of any Acts amending the same :

The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts :

The terms "local authority," "parish," and "school district," have the same meaning as in the Elementary Education Act, 1876 :

Special provision as to the county and city of Worcester.

The term "prison authority" has the same meaning as in the Prisons Act, 1865 ; provided that for the purposes of this order the justices of the county of Worcester in quarter sessions assembled shall be deemed to be the prison authority for the county of Worcester at large, and the council of the city of Worcester shall be deemed to be the prison authority for the city of Worcester and county of the same city, anything in the Worcester Prison Act, 1867, or any other Act notwithstanding.

Saving clause.

41. Nothing in this order shall be construed to be contrary to any of the provisions of the Elementary Education Act, 1876.

SCHEDULE.

ORDER OF DETENTION.

To wit { BE it remembered, that on the day of
 { in pursuance of the Elementary Education Act, 1876,
 and of the order in council made thereunder, we, two of Her

Majesty's justices of the peace for the said [*county or borough, &c.*]
of

- (a.) [having had brought before us *A. B.* of ,
a child apparently under 14 years of age, and being
satisfied that he was found begging or receiving alms
(whether actually or under the pretext of selling or
offering for sale anything), or being in a street or public
place for the purpose of so begging or receiving alms].
- (b.) [having had brought before us *A. B.* of ,
a child apparently under 14 years of age, and being
satisfied that he frequents the company of reputed
thieves].
- (c.) [having had brought before us *A. B.* of ,
a child apparently under 12 years of age, charged with
the offence of , and being satisfied that he has
not been previously convicted in England or Ireland of
felony, or in Scotland of theft].
- (d.) [having had brought before us *A. B.* of ,
a child apparently under 14 years of age, and having
had a representation made us by his parent *C. D.*
that he is unable to control the said *A. B.* and
is desirous that the said *A. B.* be sent to a certified
day industrial school].
- (e.) [having had brought before us *A. B.* of ,
a child apparently under 14 years of age, upon the
charge of having, without reasonable excuse, failed to
comply with an order of the day of
requiring him to attend school, and being satisfied
that such charge was proved, and that *C. D.* the
parent of the said *A. B.* had used all reasonable
efforts to enforce compliance with such order].
- (f.) [having had brought before us *A. B.* of ,
a child apparently under 14 years of age, upon the
charge of having, without reasonable excuse, failed to
comply with an order of the day of
requiring him to attend school, and being
satisfied that such charge was proved, and that such non-
compliance was subsequent to a complaint for the like
non-compliance of the said *A. B.* made by the local
authority to a court of summary jurisdiction].

Do order that the said *A. B.* (whose religious persuasion
appears to us to be) be sent to the certified day in-
dustrial school at , and be there detained for the term of
during such hours as may be authorized by the rules of
the school approved by one of Her Majesty's principal secretaries
of state .

And we do also order *C. D.* the parent of the said *A. B.* and liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school the sum of _____ per week.

(Signed)

ATTENDANCE ORDER

To wit. } BE it remembered, that on the _____ day of _____, in pursuance of the 11th section of the Elementary Education Act, 1876, and of the order in council made thereunder, we, two of Her Majesty's justices of the peace for the said [county or borough] of _____.

Do order that *A. B.* of _____, a child apparently under 14 years of age (whose religious persuasion appears to us to be _____), do attend the certified day industrial day school at _____ for the term of _____, during such hours as may be authorized by the rules of the school approved by one of Her Majesty's principal secretaries of state.

(Signed)

UNDERTAKING OF PARENT IN THE CASE OF AN ATTENDANCE ORDER.

WHEREAS a complaint has been made, under the 11th section of the Elementary Education Act, 1876, against *A. B.* of _____, a child under the age of 14 years, with the view to an order being made requiring him to attend a certified efficient school, and whereas I, *C. D.* am the parent of the said *A. B.* and have selected the certified day industrial school at _____ as the school to which the said *A. B.* should be sent under such attendance order, I hereby undertake that upon such attendance order being made I will pay to the managers of the said school towards the industrial training, elementary education, and meals of the said *A. B.* in the said school the sum of _____ per week so long as such attendance order is in force.

Dated _____ day of _____ 18 .
(Signed)

UNDERTAKING OF PARENT IN THE CASE OF A CHILD ABOUT TO ATTEND A SCHOOL WITHOUT ANY ORDER OF COURT.

I, *C. D.* of _____, being the parent of *A. B.* a child under 14 years of age, and of the religious persuasion of _____, hereby undertake to pay the managers of the certified

[illegible]

ORDER OF TRANSFER.

To wit. } BE it remembered, that on the day of ,
 } in pursuance of the Elementary Education Act, 1876,
and of the order in council made thereunder, we, two of Her
Majesty's justices of the peace for the said [county or borough] of
 , do order that A.B. of (whose religious-
persuasion appears to be) be transferred from the certi-
fied day industrial school at to which he was sent under
an order of detention [or attendance order] of the day
to the certified day industrial school at .
(Signed)

INSTRUCTIONS AS TO APPLICATIONS FOR CERTIFICATES FOR DAY INDUSTRIAL SCHOOLS AND REGULATIONS TO BE EMBODIED IN RULES OF SCHOOLS.

The application must specify—

- (a.) The name and locality of the school.
- (b.) The constitution and powers of the governing body.
- (c.) The religious denomination (if any) with which the school is connected.
- (d.) The conditions of age, sex, health, &c., under which it is proposed to receive children into the school.
- (e.) The maximum number of such children, and any other particulars that may be deemed advisable.

The application must be accompanied by plans of the buildings and premises of the proposed school. Such plans must show the area, height, and connection of the rooms, the external offices

and conveniences attached to the buildings, and necessary details, as to the drainage and ventilation, and as to the arrangements for the officers.

The plans will not be approved unless the following conditions are complied with—

- (a.) There must (except in case of special circumstances) be attached to the school an extent of ground sufficient for the exercise and recreation of the children and to secure free ventilation.
- (b.) *Drainage.*—Proper provision must be made for drainage.
- (c.) *Internal space.*—The schoolroom and day-rooms must each be of such dimensions as to allow 10 square and 100 cubic feet for each child present therein.
- (d.) *Lavatories.*—Sufficient lavatory accommodation must be provided.

If on the favourable report of the inspector a certificate be granted for the school, the rules of the school must be submitted for the secretary of state's approval.

The rules must specify—

- (a.) The name and locality of the school ;
- (b.) The constitution and powers of the governing body ;
- (c.) The religious denomination (if any) with which the school is connected ;
- (d.) The conditions of age, sex, health, &c., under which children will be received into the school ;

and must embody the following regulations :—

1. *Number.*—The number of children in the school shall not at any time exceed the number for which the certificate has been granted, except with the special sanction of the secretary of state.

2. *Hours of attendance.*—The school hours shall be from 8 A.M. to 6 P.M., but the school shall be open to receive children at any time in the morning after 6 A.M.

3. *Dietary.*—The children shall be supplied with one or more meals a day of plain wholesome food, according to a dietary to be approved by the inspector.

4. *Instruction.*—The secular instruction shall consist of reading, spelling, writing, dictation, arithmetic, and vocal music, and, as far as practicable, the elements of geography and English history.

It shall be given for three hours daily.

The religious instruction may be in accordance with the religious denomination of the school, or if the school is connected with no religious denomination, the daily course shall include simple family worship, hymns, and the reading of the Scriptures, with explanations and instruction suitable to the age and capacity

of the children attending the school. But this rule is subject to the 23rd clause of the said order in council which provides that no child shall attend any religious observance or any instruction in religious subjects to which observance or instruction his parent objects.

5. *Industrial training*.—The industrial training shall be, for boys, farm or garden work or any common trade or handicraft; for girls, needle-work, house-work, cooking, and, so far as practicable, training in household duties.

6. *Time-table*.—A time-table, showing the hours of attendance, school instruction, work, meals, &c., as approved by the inspector, shall be kept conspicuously affixed in every schoolroom.

7. *Discipline and punishment*.—The superintendent of the school shall be authorized to punish any child attending the school in case of misconduct. Punishment may consist of forfeiture of rewards and privileges; confinement (not in a dark room) during school hours; or, in the case of boys, moderate personal correction. All punishments, with the fault committed, shall be recorded in a book kept for the purpose, to be laid before the managers at their meetings, and to be open to the inspector for examination.

8. *Recreation*.—The children shall be allowed two hours daily for recreation and exercise, and may be taken out for exercise beyond the boundaries of the school.

9. *Visitors*.—The school shall be open to the inspection of visitors at convenient times to be fixed by the managers.

10. *Journal*.—The superintendent shall keep a journal in which he shall record all that passes of any importance, to be laid before the managers at their meetings and the inspector on his visits.

11. *Inspector*.—All books and journals of the school shall be open to the inspector for examination, and if he think it necessary, he may examine any teacher employed in the instruction of the children. His consent shall be necessary to the appointment of the principal schoolmaster and schoolmistress; and previous notice shall be given to him of the appointment or discharge of the superintendent, and of the discharge of the principal schoolmaster and schoolmistress.

12. *Registers, returns, &c.*—The superintendent shall keep a register of admissions, with such particulars concerning the parentage and previous circumstances of each child as may be found requisite.

He shall also keep a register of the attendances, distinguishing therein the children according as they are sent under orders of detention, or under attendance orders, or attend without any order of court. He shall submit such register of attendance, duly vouched by himself and the managers, to the examination of the inspector at the end of each quarter, and at such other times as the inspector may require. He shall also regularly send to the office of the inspector such returns and accounts as may be required, and in the month of January in each year a full statement of the receipts and expenditure of the school for the year ended on the 31st day of December previous, showing all debts and liabilities duly vouched by the manager.

13. *General.*—The officers and teachers of the school shall maintain the discipline and order of the school, and carefully attend to the instruction and training of the children in conformity with these rules and the provisions of the order in council, of the 20th day of March, 1877, and the children shall comply with these rules and obey the officers and teachers of the school.

RECOMMENDATIONS OF SECRETARY OF STATE AS TO PARLIAMENTARY GRANT.

[ELEMENTARY EDUCATION ACT, 1876, SECTIONS 16, 17.]

WHEREAS it is enacted, by the 16th and 17th sections of the Elementary Education Act, 1876, as follows :

There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends :

* * * * *

The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into

the school under an attendance order or without an order of a court ; and there may be contributed out of moneys provided by Parliament in respect of that child such sum not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

* * * * *

The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a Parliamentary grant to public elementary schools ; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as minutes of the education department relating to the annual parliamentary grant.

Now, in pursuance of the said Act, I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, hereby recommend that the sums to be contributed out of moneys provided by Parliament (hereinafter called the grant) to the managers of any certified day industrial school, in respect of children attending the same under orders of detention, attendance orders, or without any order of court, shall be such sums, and shall be paid on such conditions as are hereinafter respectively set forth.

1. No grant shall be made except on a report of the inspector showing that the conditions of the grant have been fulfilled. The inspector may delegate to an assistant the duty of examining the attendance and proficiency of the children.

2. The principal teacher of the school shall be approved by the inspector of certified day industrial schools.

3. The grant shall be payable in part quarterly for attendance, in part annually for proficiency, and for the discipline and organisation of the school.

4. For the purpose of so much of the grant as is payable annually, the year is reckoned as ending with the last day (inclusive) of the month preceding that fixed for the inspector's annual visit ; and for the purpose of so much of the grant as is payable quarterly, the quarter is reckoned as ending on 31st March, 30th June, 30th September, and 31st December, as the case may be.

5. With respect to so much of the grant as is payable for attendance, the managers may at the end of each quarter claim:—

	s.	d.
(a.) For each child attending under an order of detention, according to the average number of such children in attendance throughout the quarter .	10	0
(b.) For each child attending otherwise than under an order of detention, according to the average number of such children in attendance throughout the quarter	5	0

6. With respect to so much of the grant as is payable for proficiency, the managers at the end of the year may claim as follows:—

(a.) As to infants, *i.e.*, children who at the end of the year have not completed seven years of age:—

	Sum which may be claimed for each Infant present on the Day of Inspection who has made not less than 250 Attendances in the Year.	
	If the Infant is attending under an Order of Detention.	If the Infant is attending otherwise than under an Order of Detention.
If the infants are taught suitably to their age, and so as not to interfere with the instruction of the older children . .	6s.	3s.

(b.) As to children (not being infants) attending under Orders of Detention:—

Subject of Examination.	Sums which may be claimed for each such Child presented for Examination.		
	If 75 or more per Cent. of such Children pass in the Subject.	If less than 75 but not less than 50 per Cent. of such Children pass in the Subject.	If less than 50 per Cent. of such Children pass in the Subject.
Reading . .	2s.	1s.	0
Writing . .	2s.	1s.	0
Arithmetic . .	2s.	1s.	0

(c.) As to children (not being infants) attending otherwise than under an Order of Detention :—

Subject of Examination.	Sums which may be claimed for each such Child presented for Examination.		
	If 75 or more per Cent. of such Children pass in the Subject.	If less than 75 but not less than 50 per Cent. of such Children pass in the Subject.	If less than 50 per Cent. of such Children pass in the Subject.
Reading . .	1s.	6d.	0
Writing . .	1s.	6d.	0
Arithmetic. .	1s.	6d.	0

Subject, in the case of children other than infants, to the following qualifications :—

- (1.) A child shall not be presented for examination unless he has made not less than 250 attendances during the year:
- (2.) A child who has made the prescribed number of attendances shall not (without reasonable excuse for absence on the day of the inspector's visit) be withheld from examination:
- (3.) Children shall be examined according to the standards of proficiency in reading, writing, and elementary arithmetic, for the time being in force for the purposes of the Parliamentary grant to public elementary schools:
- (4.) A child may be presented for examination in any standard which the managers think fit, provided that the child shall not be presented for examination—
 - (a.) Under any standard which he has already passed at the same or any other certified efficient school, or any lower standard:
 - (b.) Under the same standard under which he has been already presented at the same school, unless he failed to pass in more than one subject in that standard.

7. With respect to so much of the grant as is payable for the discipline and organisation of the school, if the inspector reports that the discipline and organisation are satisfactory, the managers may at the end of the year claim :—

- (a.) For each child attending under an order of detention, according to the average number of such children in attendance throughout the year - 6
- (b.) For each child attending otherwise than under an order of detention, according to the average number of such children in attendance throughout the year - 3

8. If some unforeseen cause (such as a continued epidemic) makes it impossible for the inspector to visit the school for the purpose of making his annual report thereon, such sum, not exceeding the sum payable according to the rates hereinbefore recommended, shall be payable to the managers for the proficiency of the children, and for the discipline and organisation of the school, as under the circumstances the Secretary of State may deem just.

Calculation of Attendance.

9. The average number of children attending for any period under orders of detention (or as the case may be of children attending otherwise than under orders of detention) is found by adding together the attendances of all such children for that period and dividing the sum by the number of times the schools met during the same period, the quotient being the average number in attendance.

10. The attendance of a child at school on any day shall not count unless he has been present at the morning roll call, and unless such attendance includes three hours of secular instruction.

RICHARD ASSHETON CROSS.

10th April, 1877.

REGULATIONS OF SECRETARY OF STATE AS TO
PAYMENTS BY PARENTS OF CHILDREN SENT TO
CERTIFIED DAY INDUSTRIAL SCHOOLS.

In pursuance of the Elementary Education Act, 1876, the Secretary of State has made the following regulations :—

1. In the case of a child sent to a certified day industrial school under an attendance order or without an order of court, the sum which his parent shall undertake to pay towards the industrial training, elementary education, and meals of such child shall be such sum as may be agreed upon between the parent of the child and the managers of the school, not less than 1s. and not more than 2s. a week.

2. An attendance at a certified day industrial school shall not count for the purpose of the first schedule to the Elementary Education Act, 1876, unless it comprise three hours of secular instruction.

3. The regulations made by the Secretary of State on the same subject on the 10th April, 1877, are hereby cancelled.

WHITEHALL, 4th January, 1878.

XXIV.—SCHOOL BOARD AUDITS.

CIRCULAR OF THE LOCAL GOVERNMENT BOARD AS TO SCHOOL BOARD AUDITS.

Dated Whitehall, 9 May, 1873.

Sir,—I am directed by the Local Government Board to call your attention to the accompanying form, in which they request that you will in future furnish them with the information which they require to enable them to determine the amount of the remuneration to be paid to you for the school board audits in your district.

The board think it very desirable that you should, as far as possible, hold the school board audits on the same days, and at the same places, as the union audits. You are aware of the provision on this subject, which is contained in section 60 (2) of the Elementary Education Act, 1870, as follows :—

“The audit shall be held at the office of the school board, or some other place sanctioned by the poor law” [now local government] “board within the school district or within the union within which the school district or some part thereof is situate, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is signed by the chairman.”

The board will be ready at any time to consider any application which you may make to them with reference to the place of audit under this provision. It is expedient that, wherever practicable, your arrangements should be combined so as to avoid the necessity of making special journeys for school board audits alone.

The board request that you will forward to them the required particulars in the form referred to, with respect to the school board audits, for any half-year, as soon as you can conveniently do so after the completion of all the audits for that half-year.

I am, Sir, your obedient Servant,

H. FLEMING,

Secretary.

To

District Auditor.

Audit District.

SCHOOL BOARD AUDITS.

Half-year ended the 187 .

Name of School Board.	Number of Schools under School Board.	Name of Union in which School Board is situated.	Date on which Audit held.	Time occupied at the Audit.	Time occupied in Travelling.	Distance Travelled.	Whether any Union Audit held on same day as School Board Audit.	Observations.

Dated this day of 187 District Auditor.

DISTRICT AUDITORS ACT, 1879.

(42 VICT. c. 6.)

CIRCULAR OF THE LOCAL GOVERNMENT BOARD, MAY, 1879.

Local Government Board, Whitehall, S.W.,

12th May, 1879.

Sir,—I am directed by the Local Government Board to forward to you herewith two copies of an order (a) issued by them under section 3 of the District Auditors Act, 1879, prescribing the form of the financial statement required to be submitted to the district auditor at the conclusion of each audit held after the 25th of March last.

I am at the same time to point out that section 2 of the Act provides that after the 25th day of March last all payments to district auditors out of any local rate shall cease, and the whole of their salaries and expenses shall be paid out of moneys provided by parliament, and that for the purpose of contributing towards the payment of such salary and expenses, there shall be charged on every local authority whose accounts are subject to audit by a district auditor a stamp duty according to a scale based upon the amount of the expenditure included in the financial statement.

It will be seen that the financial statement is so framed that the amount of expenditure which is to be certified by the auditor, and by which the stamp will be governed, is not to include any sum paid to another local authority in pursuance of a precept, or any expenditure met by means of a loan, or borne by the government and defrayed by parliamentary grant.

The following is the scale of stamp duties prescribed by the Act:—

Where the total of the expenditure comprised in the financial statement is	The sum shall be
Under 20 <i>l</i> . - - - - -	5 <i>s</i> .
20 <i>l</i> . and under 50 <i>l</i> . - - -	10 <i>s</i> .
50 <i>l</i> . and under 100 <i>l</i> . - - -	1 <i>l</i> .
100 <i>l</i> . and under 500 <i>l</i> . - - -	2 <i>l</i> .
500 <i>l</i> . and under 1,000 <i>l</i> . - - -	3 <i>l</i> .
1,000 <i>l</i> . and under 2,500 <i>l</i> . - - -	4 <i>l</i> .
2,500 <i>l</i> . and under 5,000 <i>l</i> . - - -	5 <i>l</i> .
5,000 <i>l</i> . and under 10,000 <i>l</i> . - - -	10 <i>l</i> .
10,000 <i>l</i> . and under 20,000 <i>l</i> . - - -	15 <i>l</i> .
20,000 <i>l</i> . and under 50,000 <i>l</i> . - - -	20 <i>l</i> .
50,000 <i>l</i> . and under 100,000 <i>l</i> . - - -	30 <i>l</i> .
100,000 <i>l</i> . and upwards - - -	50 <i>l</i> .

(a) The order referred to has been rescinded. See the order of the 14th July, 1880, *post*, p. 469.

It has been arranged by the commissioners of inland revenue that there shall be appropriated adhesive stamps, bearing the words "district audit," representing the values of 5s., 10s., 1l., 2l., and 5l.; and such stamps have accordingly been provided, and will be supplied on application to any distributor or sub-distributor of stamps.

The commissioners require that where the duty exceeds 5l., it should be denoted by an impressed stamp, and any financial statement liable to duty above this amount will, on being presented to any distributor or sub-distributor, be forwarded by him free of expense to the inland revenue department, in order that it may be impressed with the required stamp.

Where any doubt is felt as to the amount of expenditure upon which the stamp is to be assessed, the affixing of the stamp may be postponed until the question has been submitted to the district auditor and determined by him.

It must be specially borne in mind that section 7 provides that if a local authority fail to comply with the provisions of the Act with respect to a financial statement, such local authority, or if a clerk to the local authority is appointed, that clerk, and if no clerk is appointed, but there is a treasurer or other officer keeping the accounts which should be comprised in such financial statement, that treasurer or other officer, shall be liable to a fine not exceeding twenty pounds for each offence, to be recovered by action on behalf of Her Majesty in the high court of justice.

The board have issued the present order after conference with the education department, and as the form of financial statement now prescribed embodies all the particulars included in the form in the Schedule (G) to the general order for accounts, dated the 24th of November, 1873, it has been arranged with the education department that the latter form, which has been adopted by that department for the purpose of section 62 of the Elementary Education Act, 1870, shall be dispensed with. The board, therefore, in the exercise of the power reserved to themselves in the general order above mentioned, hereby assent to the suspension, until otherwise directed, of Article 10 of that order.

With the consent of the education department, the form of financial statement now prescribed will be that in which the statement of receipts and expenditure referred to in section 62 of the Elementary Education Act, 1870, must be printed by the school board and sent to each member of the rating authority and

to the overseers, omitting the items comprised in the memorandum at the foot. The financial statement is, by the terms of the District Auditors Act, 1879 to be forwarded by the district auditor to this office, and it will be sent from this office to the education department, to which department no such form need be sent by the school board unless the board is required by that department to do so.

The board enclose forms of the financial statement to be used for the present audit, and as it is desirable that for the purpose of preservation and reference these statements should be of uniform size, they should in future be furnished on paper of similar size.

I am, Sir,

Your obedient Servant,

JOHN LAMBERT,

Secretary.

To

The Clerk of the School Board.

XXV.—ACCOUNTS OF SCHOOL BOARDS.

CIRCULAR OF LOCAL GOVERNMENT BOARD, SEPTEMBER, 1879.

Local Government Board,
Whitehall, S.W.

27th September, 1879.

Sir,—I am directed by the local government board to advert to their circular letter of the 12th of May last, enclosing copies of an order prescribing the form of financial statement to be adopted by school boards under the District Auditors Act, 1879.

The headings of account, as arranged in the financial statement, are somewhat different from those prescribed by the general order for accounts dated the 24th day of November, 1873, and it is obviously desirable that the accounts, of which the financial statement is a summary, should be made up on the same basis as the statement itself.

The portions of the general order for accounts which appear to be affected are article 2 (2), which specifies certain headings under which items of receipts or payments are to be entered and posted up in the ledger, and article 3, which prescribes an alternative form of cash book in cases where there is only one school under the management of any school board, and in which form some of the headings correspond with those specified in article 2 (2) of the accounts order.

With a view to bring these headings into conformity with the financial statement, the board, in the exercise of the power reserved to themselves in the general order of the 24th day of November, 1873, hereby assent to a departure from the regulations contained therein to the following extent; that is to say :—

(1.) As regards the ledger ;

In lieu of the following heads of account prescribed by article 2 (2) of the general order above mentioned, namely ;

Printing, postage, advertising, and office charges ;

Purchase of, and repairs to, furniture, and cleaning ;

Fuel and light ;

Purchase of land ;

Erection of, and additions and alterations to, school buildings ;

Repairs to buildings ;

Legal expenses ;

the undermentioned heads of account may be substituted, namely,—

Legal and other expenses of administration, including printing, postage, advertising, and office charges (so far as relates to “administration”);
 Fuel and light, and repairs to building and furniture (so far as relates to “maintenance” of schools);
 Other expenses of maintenance, including cleaning;
 Purchase of land and erection of school buildings;
 Alterations and additions to school buildings;
 Furnishing school buildings.

(2.) As regards the alternative form of cash book;

In lieu of the following heads of account prescribed by article 3 of the general order above mentioned, namely,—

Printing, postage, advertising, and office charges;
 Books, apparatus, and stationery;
 Fuel and light;
 Purchase of, and repairs to, furniture, and cleaning;
 Erection of, and additions and alterations to, school buildings;
 Repairs to buildings;
 Rent, rates, taxes, and insurance;
 Other expenses;

the undermentioned heads of account may be substituted, namely,—

Legal and other expenses of administration, including printing, postage, advertising, and office charges (so far as relates to “administration”);
 Fuel and light, and repairs to buildings and furniture (so far as relates to “maintenance” of schools);
 Other expenses of maintenance, including cleaning;
 Purchase of land and erection of school buildings;
 Alterations and additions to school buildings;
 Furnishing school buildings.

I am, Sir,

Your obedient servant,

JOHN LAMBERT,

Secretary.

The Clerk to the School Board.

SCHOOL BOARD ACCOUNTS ORDER, 1880.

CIRCULAR OF LOCAL GOVERNMENT BOARD, JULY, 1880.

Local Government Board,
Whitehall, S. W.

15th July, 1880.

Sir,—I am directed by the local government board to advert to the order issued by them on the 9th of May, 1879, prescribing the form of the financial statement to be submitted to the district auditor by school boards as local authorities, in pursuance of section 3 of "The District Auditors Act, 1879," as well as to the circular letter of the board, dated the 27th of September, 1879, assenting to certain deviations from the general order regulating the accounts of school boards, so as to bring the headings of account into conformity with those in the financial statement.

The board having communicated with the education department, have thought it advisable that the deviations alluded to, together with other alterations which have been adopted after conference with that department, should be embodied in an amended order for accounts. They have accordingly issued an order (three copies of which are herewith enclosed), containing in a consolidated form the regulations bearing on the subject.

It does not appear to the board to be necessary to specify all the alterations made in the previous order, most of which were requisite for the purposes of the financial statement, but they think it right to call attention to the following points :—

1. The form of the financial statement itself has been slightly altered, the items "repayment of principal of loans," and "interest on loans" having been placed separately under the head of "loans," instead of being included under the head of "expenses of administration," and this alteration extends also to the alternative form of cash book. The terms of the certificate of the district auditor at the foot of the financial statement have been enlarged, so as to show, in addition to the net expenditure to be certified for the purposes of "The District Auditors Act, 1879," the total amount expended by the school board and allowed at the audit.
2. The annual account of income and expenditure (Schedule B. in the previous order) is omitted in the present order, as it is prescribed by the "instructions" issued by the education department, by whom also the forms are supplied.

3. Difficulties having been found to arise with respect to the entries to be made in the "stock and stores account," under the columns headed "consumed," as regards books and other articles taken out of store and sold to the children, a new form has been prescribed, termed the "sales account," and the requisite modifications have been made in the "stock and stores account."
4. The "abstract book" is dispensed with in cases where the cash book in the alternative form is used.

It will be seen from articles 1 and 3 that the order will take place compulsorily from the 30th of September next, but that where the form of any book or account which it prescribes differs from that prescribed by the previous order, the form now in use may forthwith be altered and adapted.

Article 2 rescinds the order of the 9th of May, 1879, which prescribed the form of financial statement under "The District Auditors Act, 1879," and such statement must in future be in the form prescribed by article 8 of the new order.

I am, Sir,

Your obedient servant,

JOHN LAMBERT,

Secretary.

To

The Clerk to the School Board.

SCHOOL BOARD ACCOUNTS ORDER, 1880.

(Dated the 14th July, 1880.)

TO ALL SCHOOL BOARDS for the time being formed under the authority of the Elementary Education Acts;—

TO THE DISTRICT AUDITORS within whose districts the districts of the said school boards are for the time being respectively included ;

To the clerks, accountants, treasurers, and other officers of the said school boards ;—

And to all others whom it may concern.

WHEREAS, in pursuance of the provisions contained in the sixtieth section (sub-section 9) of the Elementary Education Act, 1870, orders were issued by the poor law board and the local government board respectively to certain school boards formed under the authority of that Act, prescribing regulations respecting the form of keeping the accounts of such school boards, and the audit of such accounts ;

And whereas by section 18 of the Elementary Education Act, 1873, it is enacted that the principal Act (viz., the Elementary Education Act, 1870) shall be construed as if for sub-section 9 of section 60 thereof there were substituted the following words :—

“ Subject to the provisions of this section, the local government board may from time to time make such regulations as may be necessary respecting the form of keeping the accounts, the audit thereof, the mode of publishing the time and place of holding the audit, the time within which the accounts are to be examined by the school board and signed by the chairman, and (with the consent of the education department) the school board or class of school boards the accounts of which are to be made up only annually, and the day to which they are to be so made up in every year.”

And whereas by a general order bearing date the 24th day of November, 1873 (after reciting that it was expedient that the orders already issued to school boards should be rescinded, and that regulations in accordance with section 18 of the Elementary Education Act, 1873, should be issued for those school boards, as well as for such other school boards as had since been, or might thereafter be, formed under the authority above mentioned), the

local government board rescind all the orders issued to school boards as aforesaid by the poor law board or the local government board, and prescribed regulations in accordance with the said section 18, as regards all school boards then formed, or which might thereafter be formed, under the authority of the Elementary Education Acts ;

And whereas by a general order dated the 9th day of May, 1879, the local government board, in pursuance of section 3 of "The District Auditors Act, 1879," prescribed the form of financial statement to be prepared and submitted to the district auditor in duplicate by school boards as local authorities, in accordance with the provisions of that section ;

And whereas it is expedient that the above-cited general orders should be rescinded to the extent hereinafter specified, and that other regulations should be substituted for those contained in the said orders :

Now therefore, we, the local government board, in pursuance of the powers given to us by the statutes in that behalf, hereby order as follows, with respect to each school board, for the time being, formed under the authority of the Elementary Education Acts :

Art. 1.—The said general order dated the 24th day of November, 1873, is hereby rescinded, on and after the 29th day of September, 1880, except so far as the same rescinds the other orders above cited.

Provided nevertheless, that where the form of any book or account prescribed by this order differs from that prescribed for such book or account by the general order rescinded as above, the form now in use may forthwith be altered and adapted as nearly as may be to the form herein prescribed for such book or account.

Art. 2.—The said general order dated the 9th day of May, 1879, is hereby rescinded.

Art. 3.—From and after the 30th day of September, 1880, the following regulations shall be observed, except in so far as the local government board may from time to time assent to any departure therefrom ; that is to say :—

Clerk.

Art 4.—The clerk to the board shall enter from time to time, at proper dates, in the minute book of the Board, a statement of all authorities for the receipt and payment of moneys, all precepts issued by the board, and all minutes relating to any other pecuniary transactions of the board, and shall insert in such

minute book marginal notes of reference to the page of the cash book mentioned in art. 5, in which the items relating thereto are entered.

Art. 5.—He shall punctually enter and accurately keep the following books of account, according to the forms set forth in the Schedule (A.) to this order :—

- (1.) A cash book, in which shall be entered under their proper dates, all moneys received by the treasurer and all orders drawn upon him by the board. This book shall be closed and balanced at the end of every half year (that is to say, up to the 25th day of March and the 29th day of September in each year), unless the school board belongs to the class specified in art. 14 of this order, in which case the book shall be closed and balanced at the end of every year, that is to say, up to the 29th day of September in each year.
- (2.) A ledger, in which various transactions relating to the receipt or payment of moneys by the board, and by managers appointed under section 15 of the Elementary Education Act, 1870, as contained in the cash and petty cash books, and in the accounts of the said school managers, shall be entered and posted up according to their proper dates, under the following heads of account, and such additional heads as may be or may from time to time become necessary :—

Grants from the committee of council on education (including grants from the science and art department).

Endowment.

Payments to the treasurer by each rating authority.

Contributions to the board in aid of industrial schools.

School fees.

Salaries of officers of the board other than teachers.

Legal and other expenses of administration.

Salaries of teachers.

Books, apparatus, and stationery for schools.

Fuel, light, and cleaning, and replacement of furniture, and repairs to buildings and furniture for schools.

Rents, rates, taxes, and insurance for schools.

Purchase of land and erection, enlargement, or alteration of school buildings.

Furnishing school buildings.

Repayment of principal of loans.

Interest on loans.

Advances to school managers.

Contributions by the board towards, or expenses of, industrial schools.

Petty cash account.

General account.

With the respective dates of such transactions, and references to the pages of the cash book, or to the school managers' accounts, in which the entries relating to such transactions are contained.

He shall keep an account in such ledger, or in a separate ledger, as the board shall direct, with every school in the district for which managers are appointed under section 15 of the Elementary Education Act, 1870, when the receipt and disbursement of the whole or any part of the funds of the school are delegated to such managers by the board.

He shall post to these accounts, under the head "advances to school managers," all sums received and paid by the said managers on account of their respective schools.

The ledger shall be closed and balanced at the same time as the cash book, as prescribed in article 5 (No. 1) of this order.

(3.) A petty cash book, in which shall be entered promptly, and in the order of date, an account of the sums for petty disbursements received by the clerk, and of the sums, not exceeding 5*l.* each, paid by him thereout, by direction of the board, or on his own authority in any case of urgency, which account shall be balanced quarterly, and laid before the board at their ordinary meetings, and the clerk shall submit and account for the same to the district auditor at the time of the audit.

(4.) An abstract book, wherein an account shall be opened with every school in the district provided by the board, to which he shall post at frequent intervals from the cash book and from the accounts of school managers (if any), the income and expenditure relating to the annual maintenance of such school, whether it be received or paid by the treasurer of the board, or by the manager of the school, under the several heads of account, as set forth in the form. These accounts shall be closed and balanced at the end of the school year, as defined by the code of the committee of Her Majesty's council on education in force for the time being, and laid before the district auditor at the time of the audit.

Art. 6.—When and so long as there shall be only one school under the management of any school board, the cash book men-

tioned in article 5 (1.) of this order may be kept in the alternative form prescribed in the Schedule (A.) to this order ; and where such alternative form is used, it shall not be necessary to keep the ledger, the petty cash book, or the abstract book mentioned in that article. Provided that a total of the several columns of the cash book headed "expenses of maintenance of public elementary schools," and of the several columns of receipts, so far as they apply to the maintenance of public elementary schools, be made at the end of the school year, as defined above.

Art. 7.—So much of the previous articles as relates to the cash book, ledger, abstract book, and petty cash book shall apply to the accountant instead of the clerk, where any such officer shall be appointed to keep the accounts of the board.

Art. 8.—The financial statement to be prepared and submitted to the district auditor, in duplicate, by the school board as a local authority, in accordance with the provisions of "The District Auditors Act, 1879," shall be prepared by the clerk, and, as regards the year or half year (as the case may be) ending on the 29th day of September, 1880, and every subsequent year or half year (as the case may be), shall be in the form set forth in the Schedule (B.) to this order, and shall contain the particulars therein specified ; and the certificate of the district auditor to be appended to each such duplicate shall be in the form set forth at the foot of the said statement.

Treasurer.

Art. 9.—The treasurer of the board shall keep, punctually and accurately, an account according to the form set forth in the Schedule (C.) to this order, and to be termed the treasurer's account, in which shall be entered all moneys received and paid by him on account of the board. He shall balance this account quarterly, and shall cause it to be laid before the board once every month, or oftener if required by them to do so, and shall lay it and his banker's pass book before the district auditor at the time of the audit.

Provided that in the cases specified in art. 6, the treasurer's account may be dispensed with when and so long as a pass book, confined exclusively to the fund of the school board, shall be kept and produced to the district auditor at the audit of the accounts of the board.

School Managers.

Art. 10.—When the board shall have delegated to a body of managers appointed under Section 15 of the Elementary Education Act, 1870, the control and management of the finances of any

school, the managers of such school shall appoint some one of themselves, or shall require the said board to appoint an officer, to act as school treasurer, and to keep the accounts for such school.

All authorities issued by the said managers for the receipt and payment of moneys shall be duly entered in the minute book of the school under their proper dates, and all minutes relating to any other pecuniary transactions of the managers shall be entered in such minute book, and marginal notes of reference to the page of the school cash book, in which such items are entered, shall be inserted therein.

Art. 11.—The school treasurer or manager appointed under art. 10 shall duly and punctually keep a school cash book, according to the form set forth in the Schedule (D.) to this order, in which he shall enter all moneys received, and all payments made, by him on behalf of the school, under the respective heads of account to which such transactions relate.

He shall close and balance such book at the end of every half year (that is to say, on the 25th day of March and the 29th day of September in each year), or if the school board belongs to the class specified in art. 14 of this order, at the end of every year only (that is to say, up to the 29th day of September in each year), as well as (in either case) at the termination of the school year, as defined above; and he shall send the balance sheets to the board as soon as possible after each of these dates, according to the form termed the school treasurer's balance sheet set forth in the Schedule (D.) to this order; and such book shall be laid before the district auditor at the time of the audit, together with the authorities (whether contained in the minute book or not) and vouchers in support of the receipts and payments included therein.

Schoolmaster.

Art. 12.—Every schoolmaster shall keep punctually and accurately in a book, according to the form set forth in the Schedule (E.) to this order, an account, to be termed the school fees account, of all moneys received by him in respect of the school fees, and shall set forth therein how he has disposed of the moneys received.

The schoolmaster shall also keep an account, to be termed the sales account, in the form set forth in the said Schedule (E.), in which he shall enter, under the correct dates, items of all books and other articles taken out of store and sold to the children.

The school fees account and the sales account shall be balanced weekly, and when a treasurer has been appointed for the school,

the schoolmaster shall pay over the amount of the fees and the amount produced by sales to the said treasurer at the close of every week ; in all other cases such amounts shall be paid over to the treasurer of the board, in such manner and at such times as the board direct.

He shall also keep an account, to be termed the stock and stores account of all books and other articles intrusted to his charge, and shall show how the same shall have been disposed of, and what remain in store. This account shall be balanced either yearly or half yearly, as the case may be, according to art. 14 of this order, and laid before the managers of the school from time to time as required by them.

Art. 13.—If the board shall appoint a person to collect the fees and to take charge of the stock and stores herein referred to, the duties prescribed in art. 12 shall be performed by him.

Whereas by section 17 of the Elementary Education Act, 1873, it is enacted as follows :

“The accounts of a school board shall be made up and balanced to the twenty-fifth day of March and twenty-ninth day of September in every year, or, if so directed by regulation under this Act, annually to one of those days in every year.

“The accounts shall be examined by the school board and signed by the chairman within such time, not exceeding two months after the day to which they are made up, as may be fixed by a regulation under this Act.”

Now therefore, under the authority of the last-recited section, and of the provisions of section 18 of the Elementary Education Act, 1873, before referred to, we, the local government board, with the consent of the education department, do hereby prescribe the following regulation as to the class of school boards, the accounts of which are to be made up and balanced annually; that is to say,—

Art. 14.—Where the district under a school board contains less than fifteen thousand inhabitants according to the census last published by authority of parliament, or the school board consists of less than nine members, the accounts shall be made up and balanced annually ; that is to say, to the 29th day of September in every year.

And we also prescribe the following regulation with regard to the examination of accounts by the school board, and their signature by the chairman ; that is to say,—

Art. 15.—The time within which the accounts of the school board shall be examined by the school board and signed by the

chairman, reckoned from the day to which the accounts are made up, shall be as follows :

School board for London - - - -	Two months.
Where the district under the school board contains a population of 200,000 or more, according to the census last published by authority of parliament -	Six weeks.
Where the district under the school board contains a population between 100,000 and 200,000, according to the last census so published - - - -	
Where the district under the school board contains a population between 50,000 and 100,000, according to the last census so published - - - -	Four weeks.
Where the district under the school board contains a population of less than 50,000, according to the last census so published - - - -	
Where the district under the school board contains a population of less than 50,000, according to the last census so published - - - -	Two weeks.

And we hereby further order as follows :—

SCHOOL BOARDS COMBINED UNDER SECTION 52 OF THE ELEMENTARY EDUCATION ACT, 1870.

Art. 16.—Whenever the school boards of any two or more school districts combine together, with the sanction of the education department (under the provisions of section 52 of the Elementary Education Act, 1870) for all purposes relating to elementary schools in such districts, such boards may so long as they continue so combined, keep one set of accounts in common, and the several provisions of this order, as well as the instructions contained in the several forms, which refer to separate school boards, shall be construed as applying to boards so combined.

Provided that in the ledger separate accounts shall be opened for the borough, parish, or part of a parish, as the case may be, constituting each district, showing, on the one hand, all moneys received from the rating authority of such borough, parish, or part of a parish, and on the other, all charges which are borne by such borough, parish, or part of a parish separately.

Art. 17.—Whenever the school boards of any two or more school districts, with the sanction of the education department, combine together for any purpose or purposes relating to elementary schools in such districts, and the agreement provides for the appointment of a joint body of managers, such managers shall

render accounts, made up to the dates prescribed by art. 11 of this order, to the school board whose school fund is charged with the expenditure incurred in providing and maintaining the school accommodation specified in such agreement, and the accounts shall be duly accounted for in the financial statement of the said school board under the heads of account specified in art. 5 (2) of this order.

AUDITING OF ACCOUNTS.

Art. 18.—Where the school board belongs to the class specified in art. 14, the accounts shall be audited annually ; that is to say, as soon as practicable after the 29th day of September in every year ; and in the case of any other school board, the accounts shall be audited half yearly ; that is to say, as soon as practicable after the 25th day of March and the 29th day of September in every year.

Art. 19.—The clerk shall, as soon as he shall receive notice from the district auditor of the day or days appointed by him for the auditing of the accounts of the board and of the several schools provided by them in the district, publish the following notice, by causing a copy of the same to be affixed in the board room of the school board and on the outer door of the building where it is situated, and on the outer door of every school the accounts of which are to be submitted to the district auditor :

_____ School Board.

“ Notice is hereby given, that the yearly [or half yearly] statements of the accounts of this school board, and of the schools provided by such board, together with the respective books of account, will, on the _____ day of _____ be deposited at _____ ; and such statements and books of account will be open to be inspected, examined, and copied by any ratepayer in the district of the said board, at any reasonable hour in the day time, when the board is not sitting, until the _____ day of _____ ; and that on the last-mentioned day, at the hour of _____ the accounts of the board and of the separate schools will be audited, by _____ the district auditor, at _____, when and where every such ratepayer, who may have any objection to any matter contained in the above-mentioned accounts, may attend, and prefer his objection, and the same will be heard and determined by the district auditor.

“ Dated

“ Clerk to the

School Board.”

Art. 20.—The clerk or accountant of the board, and the managers or their treasurer, shall, three clear days before the day appointed for auditing the accounts, deposit the said yearly [or half yearly] statements of the accounts of the board and of the schools provided by such board, together with the books of account, in the board room, or such other place as the board may appoint, and shall permit the said statements and books of account to be inspected, examined, and copied by any ratepayer in the district, in the presence of the clerk, accountant, or some other person approved of by the board, at any reasonable hour in the day time, when the board shall not be sitting, after the said statements and books of account shall have been so deposited, and previous to the day appointed for the auditing of the accounts of the board.

Art. 21.—In case the auditing of any of the accounts shall be adjourned for any longer period than from day to day, the clerk, on receiving from the district auditor notice thereof, shall affix, in manner aforesaid, notice of the time and place of such adjournment, and of the accounts remaining to be audited, as often as such adjournment shall be made.

Art. 22.—The district auditor shall audit the accounts of the board, and of the schools under the board comprised in the district of the board, once in every year, that is to say, as soon as may be after the 29th day of September, if the school board belongs to the class specified in art. 14, or, if not, once in every half year, that is to say, as soon as may be after the 25th day of March and the 29th day of September respectively; but not sooner than two weeks after each of those days respectively, or such other limit of time as is fixed by art. 15 of this order for the several classes of school boards therein specified.

Art. 23.—The district auditor in respect of every audit shall give to the clerk to the board fourteen days notice in writing of the time and place on and at which he intends to commence the audit of the accounts of the board and of the school or schools, and shall cause a copy of such notice to be advertised in one or more newspapers published or circulating in the district of the board.

Art. 24.—The officers of the board, and the managers and officers of the schools, who by law are bound to account to the district auditor, shall attend at the time and place appointed by him for the audit of their accounts, and shall submit to him all books, documents, appointments in writing, contracts, bills, orders for payment, receipts, and other vouchers containing or relating to their accounts; and the same shall at the time of the audit

be open to the inspection of any ratepayer interested in such accounts, but to such extent and in such manner only as will not in the judgment of the district auditor interfere with the audit.

Art. 25.—In auditing the accounts, the district auditor shall see that they have been kept and are presented in proper form; that the particular items of receipt and expenditure are stated in sufficient detail; and that the payments are supported by adequate vouchers and authority; and he shall ascertain whether all sums received, or which ought to have been received, are brought into account; and he shall examine whether the expenditure is in all cases such as might lawfully be made; and he shall reduce such payments and charges as are exorbitant, shall surcharge moneys not duly accounted for, or lost by negligence, upon the person who ought to account for the same, or whose negligence or improper conduct has caused the loss, and shall disallow and shall strike out such payments as are not authorised by law.

Art. 26.—When the district auditor disallows any payment or surcharges any sum upon any person, he shall declare the ground of his decision, and offer to state such ground in writing, if required by the person aggrieved to do so, in the proper book of account forthwith, or as soon as the arrangements for the business of his audit will permit.

Art. 27.—The district auditor shall examine and collate the several books and papers of account of the several accounting parties, and shall ascertain that the several entries correspond with and balance each other, where such balance may be required; but in the case of any error caused by inadvertence or accident in the account of any officer, he may require such officer to correct the same, and such officer shall make the necessary correction, and the district auditor shall then deal with the account so corrected. But if such officer shall refuse to do so, the district auditor shall himself make the correction, and report the circumstances of the case to the board or managers as the case may require.

Art. 28. — The district auditor shall compute the several accounts so as to verify the arithmetical accuracy thereof, and the balance due to or from the board or managers, as the case may be, or the officers rendering the same at the time to which the audit relates: and he shall state the balance in words at length and certify the same by his signature or initials, and add the date of the audit; and when he certifies any sum or other matter to be due, he shall, as far as practicable, enter his certificate and his reasons for the same (when they are required) in some part of the book of account which shall be free from other writing.

Art. 29.—The district auditor shall receive any objection made by a ratepayer or any person aggrieved against the accounts undergoing audit, or any item or charge therein, or any vouchers or authority for the same, and shall examine into the merits of such objection, and make a decision respecting the same, stating the grounds thereof, and offering to enter the same in the book of account then being examined, if required to do so, as in the case of a disallowance or surcharge.

Art. 30.—If the district auditor shall doubt the correctness of any account, or any item or charge in any account, he shall require the manager or officer rendering the account, or any other person holding or accountable for any money, books, deeds, or chattels relating to the board or separate school, to appear before him, and shall call upon such person to produce any accounts, books, or papers which he may lawfully require; and he shall examine such officer or person as may then appear, and such accounts, books, and papers as may be produced before him, respecting such account, item, or charge.

Art. 31.—If the district auditor find that any money, goods, or chattels belonging to the board, or any school in the district, have been purloined, embezzled, wasted, or misapplied, or that any deficiency or loss has been incurred by the negligence or misconduct of any officer or other person accounting, and shall surcharge such officer or person with such amount or value in his account, he shall submit a statement of such surcharge to the board as soon as he conveniently can do so.

Art. 32.—The district auditor having audited the several accounts in the ledger of the board, and in the cash book of each separate school as aforesaid, shall sign a certificate at the foot of the balance sheet therein, to the following effect:—

“I have examined the several accounts of which the foregoing is the balance sheet, and I have compared the several payments for which the treasurer takes credit with the vouchers, and I hereby certify that the entries appear to be correct and legal. And that [when the balance in the treasurer’s account does not agree with the balance in the cash book], subject to the explanation below [the difference to be explained at the foot of the certificate], the balance of the cash book, viz., £ , agrees with the balance which by the treasurer’s book appears to have been in his hands at the time of closing this account; and I find from the information laid before me that the amount of the outstanding liabilities of the board at that time was £ .

“Dated _____ (Signed) _____

“District Auditor.”

And in the other books the district auditor shall enter a certificate of his having audited the same, and sign and date the same.

Art. 33.—The district auditor shall, at the close of each audit of the accounts of the school board transmit to the education department statements in the forms in the Schedule (F.) to this order of the books hereby directed to be kept, showing which is not kept, or is imperfectly kept, or kept in a form different from that prescribed by the local government board, and shall deliver copies thereof to the school board.

Art. 34.—If any person accountable under this order shall resign his office, or be removed therefrom before the audit of his accounts shall have been held and closed, such person shall lay before the board or the managers, as the case may require, at a time to be fixed by them, a true and complete account of all moneys, matters, and things committed to the charge of, or collected, received, held, or distributed by, such person on behalf of the board or school, in the form in which he would have had to produce them before the district auditor at the end of the current year, or half-year, as the case may be, if he had so long continued in office; and shall deliver over all balances, books, papers, matters, and things in his hands to the board of managers, or to the person whom they may appoint to receive the same; subject always to the liability of such person to account to the district auditor at the next audit, and without prejudice to the power of the district auditor to allow or disallow the account of such person or any charge therein, or to surcharge him in respect of any charge to which he might be liable.

Art. 35.—Every person voluntarily undertaking to fulfil either wholly or in part the duties of any officer affected by this order shall, so far as relates to the accounts prescribed by this order to be kept or presented by any such officer, keep and present such accounts in the same form and manner as any such officer is by this order directed to keep and present such accounts.

INTERPRETATION OF TERMS.

Art. 36.—In this order—

The term “board” means the school board.

The term “managers” means the managers of every school provided by the board.

The term “schoolmaster” includes where requisite a school-mistress.

The term “district auditor” means the auditor for the time being within whose district the district of the school board is included.

All words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural and the plural the singular, unless the contrary as to gender or number is expressly provided.

Whenever in this order any article is referred to by its number, the article of this order bearing that number shall be taken to be signified thereby.

Art. 37.—For the purposes of this order, except where otherwise provided, the year shall commence on the thirtieth day of September in every year, and the period of the week shall be deemed to include the seven days which commence on the day in the week on which the meeting of the board is held, unless there be anything in the context inconsistent with such interpretation.

UNITED SCHOOL DISTRICTS FORMED UNDER THE ELEMENTARY EDUCATION ACTS.

Art. 38.—This order shall apply to every united school district already formed, or which may hereafter be formed, under the provisions of the Elementary Education Acts; and in such cases the word "district" shall be construed as meaning the united school district, and the term "board" or "school board" shall be construed as meaning the school board of such united school district.

The Cash Book.

Dr.

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(a) For reference to the Board's authority for the receipt and payment, when such authority has been recorded in the Minute Book.

SCHOOL BOARD.

RE-

Date.	No. of Voucher.	• Page of Minute Book.	From whom received.	† Particulars of Receipt.	Grants from the Committee of Council on Education. £ s. d.	Net Income from Endowment.					
						(a) Inalienable from the School or from Education.		(b) Alienable from the School and also from Education.			
						£	s.	d.	£	s.	d.

PAY-

Date.	No. of Voucher.	• Page of Minute Book.	To whom paid.	‡ Particulars of Payment.	Expenses of Administration.			Expenses of Maintenance				
					Election Expenses. £ s. d.	Salaries of Officers of the Board. £ s. d.	Legal and other Expenses of Administration. £ s. d.	Salaries.				
								(a) of Teachers. £ s. d.	(b) of Assistants. £ s. d.	(c) of Articled Pupil Teachers. £ s. d.	(d) of Monitors, if any. £ s. d.	

• For reference to the Board's authority for receipt or payment
† For entry of period for which received ; of department, in case
‡ For entry of period for which paid ; of department, in case of
§ Under these heads should be entered any items which do not

(Alternative Form.)

RECEIPTS.															
Payments to the Treasurer by each Rating Authority.			School Fees.		Books and other Articles sold to Children.		Loans.		Other Receipts, including Grants in Aid of Industrial Schools.			Total.		Folio of Abstract Book.	
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	

EXPENDITURE.																		
of Public Elementary Schools.																		
Books, Apparatus, and Stationery.		Fuel, Light, and Cleaning.		Replacement of Furniture, and Repairs to Buildings and Furniture.		Rents, Rates, Taxes, and Insurance.		Other Expenses of Maintenance.		Contributions by the Board towards, or Expenses of, Industrial Schools.		Capital Charges.		Loans.		Expenses not included under the foregoing Heads.	Total.	
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£			s.	d.

when such authority has been recorded in the Minute Book.
of school pence; and of specific purpose, if any.
salaries; and of specific purpose, if any.
clearly belong to any of the defined heads of account.

SCHOOL BOARD.

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BOOK.

Board .

PAYMENTS.

Date of Payment.	Page of Cash Book or period of School Ac- count.	Salaries of				Books, Apparatus, and Stationery.	Fuel, Light, and Clean- ing.	Replacement of Furni- ture, and Repairs to Buildings & Furniture.	Rent, Rates, Taxes, and Insurance.	Other Expenses (b).	TOTAL.
		Teacher.	Assistant.	Articled Pupil Teachers.	Monitors.						
Totals for the Year ended — day of — 188—.											

(b) Specify.

ACCOUNTS OF SCHOOL BOARDS.

491

STATEMENT.

SCHEDULE (B.)

Act, 1879" (42 Vict. c. 6).

School Board for the Year [or the Half-Year] ended the
of _____, 188_____.

EXPENDITURE.	Amount.			Totals.		
	£	s.	d.	£	s.	d.
By Balance on 188 (if overdrawn)						
(1.) EXPENSES OF ADMINISTRATION :						
By Election Expenses						
By Salaries of Officers of the Board						
By Legal and other Expenses of Administration						
(2.) EXPENSES OF MAINTENANCE OF PUBLIC ELEMENTARY SCHOOLS :						
By Salaries of Teachers.. .. .						
By Books, Apparatus, and Stationery						
By Fuel, Light, and Cleaning, and Replacement of Furniture, and Repairs to Buildings and Furniture.. .. .						
By Rents, Rates, Taxes, and Insurance						
By Other Expenses of Maintenance.. .. .						
(3.) CONTRIBUTIONS TOWARDS, OR EXPENSES OF, INDUSTRIAL SCHOOLS (IF ANY).						
(4.) CAPITAL CHARGES :						
By Purchase of Land, and Erection, Enlargement, or Alteration of School Buildings						
By Furnishing School Buildings						
(5.) LOANS :						
By Repayment of Principal of Loans						
By Interest on Loans						
(6.) EXPENSES NOT INCLUDED UNDER THE FOREGOING HEADS :						
By						
By						
*Total Expenditure, viz. (1), (2), (3), (4), and (5), as above			£			
By Balance on (if in hand)						
In hands of Treasurer	£	s.	d.			
Less Orders of the Board not paid by Treasurer						
In hands of Petty Cash Keeper						
By Managers of Schools						

MEMORANDUM.

Total Expenditure as above*	£	s.	d.	£	s.	d.
Deduct—						
(1.) Parliamentary Grants						
(2.) Contributions (if any) to other School Boards						
(3.) Capital Charges met by Loans						
NET EXPENDITURE TO BE CERTIFIED FOR THE PURPOSES OF THE ABOVE ACT.						

_____ Clerk to the School Board.
_____ day of _____, 188_____
by sect. 17 of the Act, 36 & 37 Vict. c. 86.
_____ Chairman _____ day of _____, 188_____
and other Documents relating thereto, and that the regulations with respect to such
and that the total amount expended as above by the School Board during the
[insert in words at length the amount of the total Expenditure], and that the expenditure for
[insert in words at length the amount of the net Expenditure].
As witness my hand this _____ day of _____ 188 .
_____ Stamp. _____ District Auditor.

Week and more amount.

Year [or Half-Year] ending at

三

SCHOOL BOARD.

He had money of the

Edward,

[illegible]

SCHEDULE (F.)

A Statement of the District Auditor, in reference to the Books of the School Board of _____ for the year [or half year] ended 188 .

As to the Books required to be kept by the CLERK or ACCOUNTANT,

Mr.

By the TREASURER,

Mr.

And by the SCHOOLMASTER,

Mr.

OBSERVATIONS.

A.

CLERK OR ACCOUNTANT.	
Cash Book.*	
Ledger.†	
Petty Cash Book.†	
Abstract Book.†	
TREASURER.	
The Treasurer's Account.†	
SCHOOLMASTER OR SCHOOL ACCOUNTANT.	
Schools Fees Account.	
Sales Account.	
Stock and Stores Account.	

* Where the Cash Book is kept in the alternative Form, it should be so stated

† Where these Books are dispensed with under Article 5 and the proviso to Article 9, it should be so stated.

INSTRUCTIONS TO SCHOOL BOARDS, IN EXPLANATION OF THE GENERAL ORDER OF THE LOCAL GOVERNMENT BOARD RESPECTING THE ACCOUNTS OF SCHOOL BOARDS AND THE AUDIT THEREOF.

Education Department, Whitehall,
London, S.W.,
August, 1880.

Sir,—I am directed to forward for your information and guidance the following revised instructions, framed by the accountant of this department, in explanation of the order made on the 14th July, 1880, by the Local Government Board, under section 18 of the Elementary Education Act, 1873, with respect to the forms of keeping the accounts of school boards, and the audit thereof.

I am, Sir,
Your obedient Servant,
F. R. SANDFORD,
Secretary.

*To the Clerk of the
School Board of* .

ACCOUNTS.

Duties of Clerk or Accountant. The "Cash Book." (a) (See Articles 4 and 5 of the Accounts Order.)

1. All receipts and payments should be entered in the cash book in the order of date in which the money is received or paid, and opposite to each entry the head of account (Account Order, article 5 (2)) to which the receipt or payment relates should be stated in the column prepared for that purpose (*see* article 33 of these Instructions).

2. Grants from the committee of council on education should be entered in separate amounts, and the name of the school for

(a) *See* articles 48–54 of these instructions as to the cash book in the alternative form prescribed by article 6 of the accounts order.

which the grant is made entered against it, in addition to the head of account to be credited.

3. The cash book should from time to time be compared with the treasurer's account, and when necessary entered up from it.

4. Where the district under a school board contains 15,000 inhabitants and upwards, and the school board consists of nine or more than nine members, the cash book should be closed and balanced up to the 25th March and 29th September in each year, and the balance carried forward as the first entry for the half-year next ensuing.

5. Where the district under a school board contains less than 15,000 inhabitants, or the school board consists of less than nine members, the cash book should be closed and balanced to the 29th September in every year, and the balance carried forward as the first entry for the year next ensuing.

6. The balance on the cash book should agree with the balance on the treasurer's account, excepting when the treasurer has not paid all the orders drawn upon him by the board, in which case the difference would be represented by the amount of the orders not paid by the treasurer.

7. When an advance to meet the current expenses of a school is made to school managers appointed under section 15 of the Elementary Education Act, 1870, it should be entered on the credit side of the cash book, and the name of the school entered opposite the amount. (*See infra*, articles 13-20.)

8. All items of receipt and expenditure should be transferred from the cash book to their respective heads of account in the ledger (*see* article 10) at frequent intervals, and such items as relate to the *annual maintenance of schools* should be transferred to the abstract book in the manner hereinafter described (*see* articles 32-38), a reference being made to the folio of the ledger, and, when requisite, to the folio of the abstract book in which such items are entered.

9. Both the receipts and payments should be supported by appropriate authorities and vouchers, and each voucher should bear a number corresponding to the number in the cash book, and should be kept in numerical order for the purpose of reference.

[*The Ledger.* (*See* Article 5 (2) of the Accounts Order.)

10. Accounts should be opened in the ledger under the several heads set forth in article 5 (2) of the accounts order, and each item in the cash book, petty cash book (*see* article 29), and school

managers' accounts (if any) (*see* article 14) should be posted into the ledger under the head of account to which it relates, a reference being made to the page of the cash book or petty cash book, or to the school account, as the case may be, from which the entry is taken.

11. In order that the financial statement (Accounts Order, Schedule B.) may contain the whole of the receipts and disbursements on account of the school fund (*see* sections 53 and 62 of Act 33 & 34 Vict. c. 75), and in order that a complete record of the funds (if any) entrusted to school managers and of the due disposal of such funds may be kept, and the balance due to or from such managers ascertained, it is necessary that the several items of receipts and expenditure included in the accounts of school managers should be entered in the ledger in the manner hereinafter described (*see* articles 13-18).

12. Separate heads of account having been provided for "loans obtained" and "repayment of principal of loans" (*see* Accounts Order, article 5 (2)), it will be necessary to open an account with the public works loan commissioners (or if loans be obtained in the open market, with the lender) for loans received from them, and for repayment to them from time to time of the principal of such loans. This account should show on the credit side the loans received, and on the debit side the principal paid off, the difference between the two sides of the account would represent the amount of the loan or loans outstanding.

Advances to School Managers. (See Articles 10 and 11 of the Accounts Order.)

13. When the board shall have delegated to a body of managers appointed under section 17 of the Elementary Education Act, 1870, *the control and management of the finances of any school*, a separate account in the name of the school should be opened in the ledger, and all sums received by the managers of such school should be posted from the cash book (*see* article 7) and from the school managers' accounts (*see* article 14) to the debit, and all expenditure incurred by them should be posted to the credit of the account opened with the school.

14. Such managers should, as soon as possible after the 25th March and 29th September, or, if the school board belongs to the class mentioned in article 5 of these instructions, after the 29th September only, and, in either case, after the end of the school year as defined by article 13 of the new code, render to the school board an account of the income and expenditure of the school for the periods ending at those dates. For the form in which these

accounts should be rendered, *see* Schedule (D.) (school treasurer's balance sheet) annexed to the accounts order.

15. Such part (if any) of the income entered in these accounts as may not have been advanced to the managers by the board, *e.g.*, school fees and books sold to children, should be entered on the credit side of the ledger under the heads of account to which the items relate, and a similar amount should be entered in a single sum on the debit side of the same account, and the several items of the expenditure distributed in single sums to the debit of the heads of account in the ledger to which they relate (*see* Schedule D).

16. These entries should be made in the ledger before it is finally closed and balanced for the half-year or year, as the case may be.

17. The difference between the two sides of the accounts, under "Advances to School Managers," would represent the balance in the hands of the school managers, or due to them.

18. In districts containing a large number of schools it may be found advantageous to open a general account in the ledger for "Advances to School Managers," under which the advances to, and the expenditure by, all the managers of schools in the district would be collected, and a single balance struck, but it would still be necessary to open separate accounts under this head with each school, as described above.

19. These school treasurer's balance sheets, together with their appropriate vouchers and authorities for payment, *e.g.*, school managers' minute book, should be produced at each audit of the accounts of the school board.

20. All items of income and expenditure which do not relate to the ordinary annual maintenance of a school, *e.g.* "salaries of officers of the board;" "loans and repayment of loans;" "interest on loans;" "purchase of land, and erection, enlargement, or alteration of school buildings;" &c., &c., should not appear in the school treasurer's balance sheet, but should form part of the account of the school board.

The General Account.

21. The general account should be opened by entering (if in hand) on the credit (income) side (if overdrawn), on the debit (expenditure) side, the cash balance on the first day of the half-year or year, as the case may be.

22. As soon as possible after the 25th March and the 29th September respectively, or, if the school board belongs to the class mentioned in article 5 of these Instructions, after the 29th Sep-

tember only, when the whole of the income and expenditure for the half-year or year, including that shown in the account of school managers (if any), has been entered in the ledger, and when the several heads of account have been closed by entering the balance on the debit or credit side as may be necessary, the balances, or, in other words, the net total of each head of account, except those for "advances to managers" and "petty cash," should be carried in single amounts to the "general account," and the title of the head of account to which each sum relates written against it. (See Schedule B. annexed to the accounts order.)

23. The net totals of income should be entered on the credit side, and the net totals of expenditure on the debit side of the general account.

24. The balances on the accounts for "advances to school managers" and "petty cash" should form part of the closing balance on the "general account," and should not be entered in it in any other form; they should, however, be carried down as the first entry for the half-year, or year, next ensuing (if in hand) on the debit, or (if overdrawn) on the credit side of those accounts.

25. The balance on the cash book and the balances (if any) on the accounts for "advances to school managers" and "petty cash" should close the "general account."

The Financial Statement. (See Article 8 of the Accounts Order, and section 62 of Act 33 & 34 Vict. c. 75.)

26. The half-yearly or yearly financial statement prescribed by the education department should be made up from the general account in the ledger, and should be published in the form, Schedule B., annexed to the accounts order.

The clerk is not required to forward a copy of the financial statement to the education department unless it be called for by the department. A copy of the financial statement is sent to the local government board, and is forwarded by that board to the education department.

The Petty Cash Book. (See Article 5 (3) of the Accounts Order.)

27. An advance of petty cash payments (the amount of it being regulated by the demands upon the board for small sums) should be drawn from time to time by an order on the treasurer in favour of the person deputed to keep the petty cash account.

28. These advances should be entered in the cash book under the head of petty cash, and from thence posted to the debit of the petty cash account in the ledger.

29. The petty cash keeper should enter each advance on the debit side of the petty cash book, and at the close of each quarter the petty cash book should be balanced, and the several items of expenditure carried into the ledger under the heads of account to which they relate, the total of the expenditure being carried to the credit of the "petty cash account."

30. An abstract of the expenditure under the several heads of account should be made in the petty cash book for more convenient entry in the ledger.

31. As far as practicable the entries in the petty cash book should be supported by vouchers, and the vouchers numbered to correspond with the numbers in the petty cash book.

The Abstract Book. (See Article 5 (4) of the Accounts Order.)

32. The education department will require an account of the income and expenditure for the annual maintenance of each school provided by the school board, made up to the close of the school year, as defined by article 13 of the new code.

It is therefore necessary—

33. First. That all receipts and expenditure which relate to the annual maintenance of a school, when received and paid by the treasurer to the school board and not by the managers of the school, should be distinguished in the cash book (see article 1) from all other receipts and payments by entering against each amount the name of the school in addition to the head of account to which it relates ; and,

34. Secondly. That an abstract book should be kept, in which an account should be opened for every school provided by the board, in the form prescribed by Schedule A. annexed to the accounts order.

35. All receipts and payments on account of the annual maintenance of such schools, whether received and paid by the treasurer to the board or by the managers of the schools, should be taken from the cash book, and from the school managers' accounts (Schedule D.), and entered in the abstract book under the accounts with the several schools, each item being carried to the head of account as well as to the school to which it relates.

36. The accounts entered in this book and in the financial returns of schools extracted from it, should be closed at the end of the school year by an entry under the column for rates of such an amount as will balance the two sides of the account. The only exception to this rule would be when the income of the school

from sources other than rates is in excess of the total expenditure, in which case no entry should be made under "rates," and the balance in hand should be carried forward to the account of the following year.

37. All items of income and expenditure which do not relate to the annual maintenance of schools, *e.g.*, salaries of officers of the board ; loans and repayment of loans ; interest on loans ; purchase of land, and erection, enlargement, or alteration of buildings ; election expenses ;" &c., should be carefully excluded from the abstract book and from the yearly school account.

38. The school accounts should be entered (*inter alia*) upon the Form (IX. B.) which will be sent by H. M. inspector with the notice of his annual visit to each school, and will be called for by him on the day of such visit. Such accounts need not be sent to the education department at any other time unless specially called for.

The Treasurer. (See Article 9 of the Accounts Order.)

39. The treasurer should open an account with a bank, into which he should pay all moneys received by him as treasurer to the school board, and upon which he should draw by cheque for all moneys for which orders are drawn upon him by the board. He should enter in the treasurer's account (Schedule C.) such sums as he may have actually received and actually paid under the dates at which they were received and paid by him.

Instructions to School Managers appointed under section 15 of the Elementary Education Act, 1870. (See Articles 10 and 11 of the Accounts Order.)

40. When the board shall have delegated to a body of managers the control and management of the finances of a school, an account of the income and expenditure of such school must be kept by the school treasurer in a cash book, according to the form set forth in Schedule D. of the accounts order.

41. Such a cash book would furnish a self-explanatory view of the transactions on account of the school, showing both the character of each detail, and the financial result of the whole.

42. Each item of receipt and payment would be at once carried to its proper head of account, and the necessity for transferring the items from one book to another is avoided by the classification under the various heads of account being effected in the cash book. The first entry in the school cash book should be the balance (if any)

in hand or overdrawn, which should appear in the total column only, if in hand on the receipt side, if overdrawn on the payment side. All other entries should appear in the total column as well as in the particular column under which they fall.

43. This book should be closed and balanced on the 25th March and 29th September respectively, or, if the school board belongs to the class mentioned in article 5 of these instructions, on the 29th September only, and, in either case, at the end of the school year, as defined by article 13 of the New Code, and a balance sheet of the income and expenditure of the school should be made up to those dates in the form prescribed by Schedule D. of the accounts order and sent to the school board as soon as possible after the book has been closed. These balance sheets should be extracted from, and should agree with, the entries in the school cash book.

44. The school treasurer should receive the school fees from the schoolmaster every week, and should enter the amount in his cash book under the head of "school fees."

45. The schoolmaster should not be called upon to act as treasurer to the school, or to make payments on behalf of the managers of the school other than the weekly payment of fees, and the amount produced by the sale of books, &c., to the school treasurer.

46. All payments ordered by the managers should be made by the school treasurer, and should be supported by vouchers duly receipted.

47. Wherever practicable it would be advisable for the school treasurer to open an account with the school at a bank, and, so far as possible, to make all payments by means of cheques drawn on the bank.

The "Cash Book" in the Alternative Form. (See Article 6 of the Accounts Order.)

48. When the cash book in the alternative form prescribed by article 6 of the accounts order is used, instead of the cash book prescribed by article 5 (1), the ledger and abstract book are dispensed with, and when a pass book, confined exclusively to the fund of the school board, is kept the treasurer's account may be dispensed with (Accounts Order, article 9).

49. The first entry in the cash book in the alternative form should be the balance (if any) in hand or overdrawn, which should appear in the total column only, if in hand on the receipt side, if over-

drawn on the payment side. All other entries should appear in the total column as well as in the column under which they fall.

50. This book should be closed and balanced on the 29th September (*see* foot note (a)) in every year, and the balance carried forward as the first entry for the year next ensuing.

51. The use of the abstract book having been dispensed with, the cash book in the alternative form has to record the income and expenditure of the board in such a manner that the financial statement required to be published at the end of the board's year (Michaelmas), and the account of the annual maintenance of the school required by the education department at the end of the school year (New Code, article 13), can be prepared from it (*see* foot note (b)).

It is therefore, provided by article 6 of the accounts order that "a total of the several columns of the cash book, headed 'expenses of maintenance of public elementary schools,' and of the several columns of receipts, so far as they apply to the maintenance of public elementary schools, be made at the end of the school year."

The returns of the annual maintenance of the school rendered to the education department at the end of the school year should be made up from these totals, which should include the whole of the income and the whole of the expenditure on the maintenance of the school for the 12 months ending with the close of the school year.

52. For this purpose it will be necessary, on the 30th September in each year, to bring forward a total of the columns for "expenses of maintenance," and a total of the several columns of receipts so far as they apply to the maintenance of schools, for the ——— months from the end of the school year to the 29th September, when the book is closed and balanced.

These totals and the totals at the end of the school year being subsidiary to the totals for the board's year (Michaelmas), should

(a) If the school board belongs to the class mentioned in article 4 of these instructions the cash book should be balanced at the dates referred to in that article.

(b) The account of the annual maintenance of the school should be entered (*inter alia*) upon the Form (IX. B.) which will be sent by H.M. inspector with the notice of his annual visit to the school, and will be called for by him on the day of such visit. Such accounts need not be sent to the education department at any other time unless specially called for.

be entered in red ink, and in the column for "particulars" the words "total for the school year ended———" should be entered.

53. The vouchers in support of the receipts and payments should bear numbers corresponding to the numbers in the cash book, and should be kept in numerical order for the purpose of reference.

54. This book is intended for school boards in small districts whose expenditure would be mainly confined to the maintenance of the school provided by them.

School Boards combined under section 52 of the Elementary Education Act, 1870.

55. When two or more school boards combine for all purposes, their accounts may be kept in common. (See article 16 of the Accounts Order.)

56. When the school boards of any two or more districts combine for any purpose or purposes, and the agreement provides for the appointment of a joint body of managers, such managers must render accounts to the school board whose school fund is charged with the expenditure incurred in providing and maintaining the school accommodation specified in the agreement (Accounts Order, article 17).

57. These accounts must be rendered to the school board for the period ending at Lady Day and at Michaelmas, or if the school board belongs to the class mentioned in Article 5 of these Instructions, at Michaelmas only, and, in either case, at the end of the school year. (New Code, article 13.)

No form of balance sheet has been prescribed, but in the majority of cases the form for School Treasurer's Balance Sheet (Schedule D) would suffice.

58. No form of account book has been prescribed for the use of a joint body of managers, but the cash book in the alternative form (Accounts Order, Schedule A) would probably meet the requirements of such managers.

59. The accounts rendered to the school board should be supported by vouchers, and such vouchers, as well as the minute book of the managers containing the authorities for the receipts and expenditure included in such accounts, should be laid before the district auditor at the time of the audit.

XXVI. BYELAWS—MODEL FORMS, &c.

**INSTRUCTIONS AS TO BYELAWS UNDER SECTION 74,
ELEMENTARY EDUCATION ACT, 1870, AS AMENDED
BY THE ELEMENTARY EDUCATION ACT, 1876.***Form 136.*

(1.) Where a school board or school attendance committee desire to make byelaws, under section 74 of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1876, the following instructions should be attended to:—

(2.) Such alterations as the school board or school attendance committee consider necessary, should be made on each of the enclosed Forms 137, which contain the provisions which have been usually sanctioned by Her Majesty in Council.

(3.) One of the Forms 137, with the alterations in ink, should be returned to the education department for consideration, before any further steps whatever are taken. The other, Form 137, should be retained by the school board or school attendance committee.

(4.) As soon as the education department consider that the byelaws are in such form that they may be printed and deposited, the board or school attendance committee will be informed of that fact, and full instructions will be sent to the board or school attendance committee, as to the deposit and publication of notice of deposit required by section 74.

(5.) Compliance with the above instructions is calculated to save time and expense.

FORMS OF BYELAWS ISSUED BY EDUCATION DEPARTMENT.

Form 137.

For School Boards.

**BYELAWS MADE UNDER SECTION 74 OF THE ELE-
MENTARY EDUCATION ACT, 1870, AS AMENDED BY
THE ELEMENTARY EDUCATION ACT, 1876, FOR
THE (a) BY THE (b).**

Definitions.

1. In these byelaws—

The term “district” means (c)

The term “child” means a child residing in the district.

The term “school” means a certified efficient school.

“Attendance” means an attendance at a morning or afternoon meeting as defined by the Code of 1876.

The “Code of 1876” means the code of minutes of the education department made in the year 1876 with respect to the parliamentary grant to public elementary schools in England.

The term “local authority” means the local authority for the district acting for the time being under the Elementary Education Act, 1876.

Children to attend school.

2. The parent of every child of not less than five nor more than thirteen years of age shall cause such child to attend school, unless there be a reasonable excuse for non-attendance.

Reasonable excuses.

Any of the following reasons shall be a reasonable excuse, namely :—

(a) Insert the name of the district to which it is intended that the proposed byelaws shall relate.

(b) Insert the name of the school board or school attendance committee making the proposed byelaws.

(c) Insert the name of the district to which it is intended that the proposed byelaws shall relate.

(a) That the child is under efficient instruction in some other manner.

(b) That the child has been prevented from attending school by sickness or any unavoidable cause.

(c) That there is no public elementary school open which the child can attend within (d) miles, measured according to the nearest road from the residence of such child.

Time of attendance.

3. The time during which every child shall attend school shall be the whole time for which the school selected shall be open for the instruction of children of similar age, including the day fixed by Her Majesty's inspector for his annual visit.

Proviso as to religion and labour acts.

4. Provided always that nothing in these byelaws—

(a) Shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects ;

(b) Shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which its parent belongs ; or

(c) Shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

Proviso as to standard for exemption.

5. And provided always, that—

(a) A child between ten and thirteen years of age shall not be required to attend school if such child has received a certificate from one of Her Majesty's inspectors of schools that it has reached the *fifth (e)* standard prescribed by the Code of 1876.

(b) A child between ten and thirteen years of age, shown to the satisfaction of the local authority to be beneficially and necessarily employed, shall not be required to attend school for more than 150 (f) attendances in each year if such child has received a certificate from

(d) Insert a number not greater than three.

(e) This standard has been generally adopted. No standard lower than the fourth will be approved.

(f) This may be varied by inserting "five attendances in each week during which the school is open," or "150 (or more) attendances during certain (specified) months in the year."

one of Her Majesty's inspectors of schools that it has reached the (a) standard prescribed by the Code of 1876.

Penalty.

6. Every parent who shall not observe, or shall neglect or violate these byelaws, or any of them, shall, upon conviction, be liable to a penalty not exceeding, with the costs, five shillings for each offence.

Revocation.

7. Any byelaws heretofore made under section 74 of the Elementary Education Act, 1870, or under that section as amended by the Elementary Education Act, 1876, are hereby revoked, as from the day on which the present byelaws shall come into operation.

The above byelaws were made by the (b) at a meeting held on the day of , 18

In witness (c) whereof the school board have hereunto set their common seal this day of 18

(L.S.)

Sealed in the presence of

Chairman.
Clerk.

FORM OF NOTICE OF DEPOSIT OF BYELAWS (d).

School Board for (e)
(or)

School Attendance Committee for (e).

Notice is hereby given, in reference to [each of] the above district[s] that—

1. The above school [board or attendance committee] have [subject to the approval of the education department] made

-
- (a) Insert some standard lower than in 5 (a).
 (b) Insert the name of the school board or school attendance committee making the proposed bye-laws.
 (c) The words from "in witness" to "in the presence of" must be omitted when a school attendance committee make the byelaws.
 (d) This notice of deposit should not be given until the draft byelaws have been approved by the education department.
 (e) Insert the name of the district to which the byelaws relate. If the notice is to refer to the byelaws of more than one district, the names of the several districts should be inserted in alphabetical order.

certain byelaws in pursuance of the power given to the school [board or attendance committee] by section 74 of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1876.

2. A printed copy of the proposed byelaws will continued deposited for inspection by any ratepayer at the office of the school [board or attendance committee] for one month from the date of the publication of this notice.

3. At the expiration of the said month the said proposed byelaws will be submitted to the education department for approval.

4. The school [board or attendance committee] will supply a printed copy of the said byelaws gratis to any ratepayer.

Clerk.

FORM OF DECLARATION OF DEPOSIT OF BYELAWS

School board for (*f*)

(or)

School attendance committee for (*f*)

Declaration of Deposit of byelaws.

(Section 74 of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1876.)

I hereby declare that the following statements are correct to the best of my knowledge and belief.

1. A printed copy of [*each of*] the document[*s*] attached hereto and marked (*g*) being the proposed byelaws for the above district[*s*] continued deposited for inspection by any ratepayer at the office of the school [board or attendance committee] for one month from the (*h*) day of 18

2. Copies of the notice attached hereto and marked B. were duly published by advertisement in a newspaper circulating in [*each of*] the above district[*s*].

3. Printed copies of the aforesaid document were supplied gratis to any ratepayer.

Clerk.

Date.

(*f*) Insert here the name of the district to which the byelaws relate. If the declaration is to refer to the deposit of the byelaws for *more than one* district, the names of the several districts should be inserted in alphabetical order.

(*g*) Insert here the several official numbers which appear on the provisionally approved draft byelaws for the several districts.

(*h*) Date of newspaper in which notice appears.

**CIRCULAR OF EDUCATION DEPARTMENT TO UNION
SCHOOL ATTENDANCE COMMITTEES.**

Education Department,
Whitehall, London, S.W.

28th August, 1880.

Sir,—I am to draw your attention to the annexed copy of sections 1—4 of the Elementary Education Act, 1880, which has now (26th August) received the royal assent.

The object of this Act is to make byelaws universal, and it provides that unless, before the 31st day of December next, byelaws have been made for any school district by the local authority thereof, it shall then devolve upon this department to perform the duty thus left unfulfilled.

Hitherto byelaws could not be made for a parish, except on a requisition of the ratepayers, calling on the school attendance committee of the union to pass byelaws: such requisition is no longer necessary.

Henceforth the school attendance committee may make byelaws for all the parishes under their jurisdiction; and if it is thought expedient to adopt for several parishes in the union, the same distance in byelaw 2 (c) and the same standards for exemption in byelaw 5, one form (137 U) will suffice for all these parishes.

The proceedings for making byelaws will in all respects (except as to the necessity of a requisition) continue to be the same as they were before the passing of the Act.

Your particular attention is directed to section 4, pursuant to which a child, before being legally employed, must reach (or pass in all three subjects of) the standard for partial or total exemption fixed by the byelaws; and if a child is employed who has not reached one of the prescribed standards, the employer will be liable to a penalty.

The proviso at the end of section 2 will meet the case of children legally employed in districts in which byelaws were not in force at the date of the passing of the Act; while the proviso at the end of section 4 allows employers to continue to employ children, who, at the same date, were attending school in accordance with the provisions of the Factory and Workshops Act, 1878.

I am now to enclose copies of the necessary forms, and to request that you will forward to this department the form of

byelaws proposed by the school attendance committee as soon as possible, for the consideration of this department.

I am, Sir,

Your obedient Servant,

PATRICK CUMIN.

The Clerk of the
School Attendance Committee
for Union.

**INSTRUCTIONS AS TO BYELAWS UNDER SECTION
74, ELEMENTARY EDUCATION ACT, 1870, AS
AMENDED BY THE ELEMENTARY EDUCATION
ACTS, 1876, 1880.**

Form 136.

(1.) Where a local authority (school board or school attendance committee) desire to make byelaws, under section 74, of the Elementary Education Act, 1870, as amended by the Elementary Education Acts, 1876, 1880, the following instructions should be attended to :

(2.) One of the enclosed Forms 137, with the blanks filled up in ink, should be returned to the education department for consideration, before any further steps whatever are taken. The other Form 137, should be retained by the local authority.

(3.) As soon as the education department consider that the byelaws are in such a form that they may be printed and deposited, the local authority will be informed of the fact, and full instructions will be sent as to the deposit and publication of notice of deposit required by section 74.

(4.) Compliance with the above instructions is calculated to save time and expense.

FORM OF BYELAWS ISSUED BY EDUCATION DEPARTMENT.

[Form 137 U.]

For Union School Attendance Committees.

BYELAWS MADE UNDER SECTION 74 OF THE ELEMENTARY EDUCATION ACT, 1870, AS AMENDED BY THE ELEMENTARY EDUCATION ACTS, 1876, 1880, FOR THE SEVERAL PARISHES OR TOWNSHIPS NAMED IN THE SCHEDULE HEREUNDER WRITTEN BY THE SCHOOL ATTENDANCE COMMITTEE FOR THE UNION OF (a).

Definitions.

1. In these byelaws

The term "district" means each of the several parishes or townships in the schedule hereunder written.

The term "child" means a child residing in the district.

The term "school" means a certified efficient school.

"Attendance" means an attendance at a morning or afternoon meeting as defined by the Code of 1876.

The "Code of 1876" means the code of minutes of the education department made in the year 1876 with respect to the parliamentary grant to public elementary schools in England.

The term "local authority" means the local authority for the district acting for the time being under the Elementary Education Act, 1876.

Children to attend school.

2. The parent of every child of not less than five, nor more than thirteen, years of age, shall cause such child to attend school, unless there be a reasonable excuse for non-attendance.

Reasonable excuses.

Any of the following reasons shall be a reasonable excuse namely :—

NOTE—See instructions of education department as to proceedings when byelaws have been adopted, *ante*, p. 517.

(a) Insert the name of the school attendance committee making the proposed byelaws.

- (a.) That the child is under efficient instruction in some other manner.
- (b.) That the child has been prevented from attending school by sickness or an unavoidable cause.
- (c.) That there is no public elementary school open which the child can attend within (b) miles, measured according to the nearest road from the residence of such child.

Time of attendance.

3. The time during which every child shall attend school shall be the whole time for which the school selected shall be open for the instruction of children of similar age, including the day fixed by Her Majesty's inspector for his annual visit.

Proviso as to religion and labour Acts.

4. Provided always that nothing in these byelaws—
- (a.) Shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects ;
 - (b.) Shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which its parent belongs ; or
 - (c.) Shall have any force or effect in so far as it may be contrary to anything contained in any Act for regulating the education of children employed in labour.

Proviso as to standard for exemption.

5. And provided always that—
- (a.) A child between ten and thirteen years of age shall not be required to attend school if such child has received a certificate from one of Her Majesty's inspectors of schools that it has reached the *fifth* standard prescribed by the Code of 1876 (c).
 - (b.) A child between ten and thirteen years of age shown to the satisfaction of the local authority to be beneficially and necessarily employed shall not be required to attend school for more than 150 (d) attendances in each year (d) if such child has received a certificate

(b) Insert a number not greater than three.

(c) This standard has been generally adopted. No standard lower than the fourth will be approved.

(d) This may be varied by inserting "five attendances in each week

from one of Her Majesty's inspectors of schools that it has reached the (a) standard prescribed by the Code of 1876.

Penalty.

6. Every parent who shall not observe, or shall neglect or violate these byelaws, or any of them, shall, upon conviction, be liable to a penalty not exceeding, with the costs, five shillings for each offence.

The above byelaws were made by the school attendance committee for the union of at a meeting held on the day of 188 .

Chairman.
Clerk.

SCHEDULE TO FORM 137.

No.	Name of Parish or Township.	No.	Name of Parish or Township.

during which the school is open" or "150 (or more) attendances during certain (specified) months in the year."
(a) Insert some standard lower than in 5 (a.).

XXVII. RULES TO BE OBSERVED IN PLANNING AND FITTING UP SCHOOLS.

(BY AUTHORITY OF THE COMMITTEE OF COUNCIL ON EDUCATION.)

Preliminary Remarks.

Before a schoolroom is planned—and the observation applies equally to alterations in the internal fittings of an existing schoolroom—the number of children who are likely to occupy it; the number of classes into which they ought to be grouped; whether the school should be “mixed,” or the boys and girls taught in different rooms; are points that require to be carefully considered and determined, in order that the arrangements of the school may be designed accordingly.

Every class when in operation requires a separate teacher, be it only a monitor acting for the hour. Without some such provision it is impossible to keep all the children in a school actively employed at the same time.

The apprenticeship of pupil teachers, therefore, is merely an improved method of meeting what is, under any circumstances, a necessity of the case; and, where such assistants are maintained at the public expense, it becomes of increased importance to furnish them with all the mechanical appliances that have been found by experience to be the best calculated to give effect to their services.

The main end to be attained is the concentration of the attention of the teacher upon his own separate class, and of the class upon its teacher, to the exclusion of distracting sounds and objects, and without obstruction to the head master's power of superintending the whole of the classes and their teachers. This concentration would be effected most completely if each teacher held his class in a separate room; but such an arrangement would be inconsistent with a proper superintendence, and would be open to other objections. The common schoolroom should therefore be planned and fitted to realise, as nearly as may be, the combined advantages of isolation and of superintendence, without destroying its use for such purposes as may require a large apartment. The best shape is an oblong. Groups of benches and desks should be arranged along one of the walls. Each group should be divided from the adjacent group or groups by an alley, in which a light curtain can be drawn forward or back. Each class, when seated in a group of desks, can thus be isolated on its sides from the rest of the school, its teacher standing in front of it, where the vacant floor allows him to place his easel for the suspension of

diagrams and the use of the black board, or to draw out the children occasionally from their desks, and to instruct them standing, for the sake of relief by a change in position. The seats at the desks *and* the vacant floor in front of each group are *both needed*, and should therefore *be allowed for* in calculating the space requisite for *each class*.

The committee of council do not recommend that the benches and desks should be immovably fixed to the floor in any school. They ought to be so constructed as to admit of being readily removed when necessary, but not so as to be easily pushed out of place by accident, or to be shaken by the movements of the children when seated at them.

By drawing back the curtain between two groups of desks, the principal teacher can combine two classes into one for the purpose of a gallery lesson ; or a gallery (doubling the depth of benches, and omitting desks) may be substituted for one of the groups.

For simultaneous instruction, such a gallery is better than the combination of two groups by the withdrawal of the intermediate curtain ; because the combined length of the two groups (if more than 15 feet) is greater than will allow the teacher to command at a glance all the children sitting in the same line. It is advisable, therefore, always to provide a gallery ; but this is best placed in a classroom.

The master of a school should never be allowed to organise it so as to provide for carrying out the entire business of instruction without his own direct intervention in giving the lessons. He ought, as a rule, to have one or more of the classes (to be varied from time to time) in a group or in the gallery, under his own immediate charge. He must, indeed, at times leave himself at liberty to observe the manner in which his assistants or apprentices teach, and to watch the collective working of his school, but his duties will be very ill performed if (what is called) general superintendence forms the sum, or principal part, of them.

The reasons of the following rules will be readily inferred from these preliminary explanations, and the annexed plans have been prepared to illustrate the rules of the board as regards the arrangement of the buildings and the internal fittings of schools and classrooms.

RULES.

(a) In planning a schoolroom, it must be borne in mind that the capacity of the room, and the number of children it can accommodate, depends not merely on its area, but on its area, its shape, and the positions of the doors and fireplaces.

(b) The best width for a schoolroom intended to accommodate any number of children between 48 and 144 is from 16 to 20 feet. This gives sufficient space for each group of benches and desks to be ranged three rows deep along one wall, for the teachers to stand at a proper distance from their classes, and for the classes to be drawn out, when necessary, in front of the desks around the master or pupil teachers. (*No additional accommodation being gained by greater width in the room, the cost of such an increase in the dimensions is thrown away.*)

(c) A school not receiving infants should generally be divided into at least four classes. (*The varying capacities of children between seven and thirteen years old will be found to require at least thus much subdivision.*)

(d) Benches and desks, graduated according to the ages of the children, should be provided for all the scholars in actual attendance, and therefore a schoolroom should contain at least four groups.

(e) An allowance of 18 inches on each desk and bench will suffice for the junior classes, but not less than 22 inches for the senior classes, otherwise they may be cramped in writing.

The length therefore of each group should be some multiple of 18 or 22 inches respectively.

Thus, at 18 inches per child,

A group	6 ft. 0 in.	long will accommodate	4	} Children in a row.
"	7 6	"	5	
"	9 0	"	6	
"	10 6	"	7	
"	12 0	"	8	
At 22 inches per child,				} Children in a row.
A group	7 ft. 4 in.	long will accommodate	4	
"	9 2	"	5	
"	11 0	"	6	

In the annexed plans 18 inches have been taken as the allowance per child. The withdrawal of a child from each row of this dimension will practically answer the purposes of the other dimensions.

(f) The desks should be either quite flat or *very slightly* inclined. The objections to the inclined desk are, that pencils, pens, &c., are constantly slipping from it, and that it cannot be conveniently used as a table. The objection to the flat desk is, that it has a tendency to make the children stoop. A raised ledge in front of the desk interferes with the arm in writing.

(g) As a general rule no benches and desks should be more than 12 feet long; and no group should contain more than three

rows of benches and desks (*because in proportion as the depth is increased, the teacher must raise his voice to a higher pitch ; and this becomes exhausting to himself, while at the same time it adds inconveniently to the general noise*).

(h) Each group of desks should be separated from the contiguous group, either by an alley 18 inches wide for the passage of the children, or by a space of 3 inches sufficient for drawing and withdrawing the curtains.

(i) The curtains when drawn should not project more than four inches in front of the foremost desk. An alley should never be placed in the centre of a group or gallery, and the groups should never be broken by the intervention of doors and fire-places.

(j) Where the number of children to be accommodated is too great for them to be arranged in five, or at most six, groups, an additional schoolroom should be built, and placed under the charge of an additional teacher, who may, however, be subordinate to the head master.

1. The walls of every schoolroom and classroom, *if ceiled at the level of the wall-plate*, must be at least 12 feet high from the level of the floor to the ceiling ; and if the area contain more than 360 superficial square feet, 13 feet, and, if more than 600, then 14 feet.

2. The walls of every schoolroom and classroom, *if ceiled to the rafters and collar beam*, must be at least 11 feet high from the floor to the wall-plate, and at least 14 feet to the ceiling across the collar beam.

3. The whole of the external walls of the school and residence, *if of brick*, must be at least one brick and a half in thickness ; and *if of stone*, at least 20 inches in thickness.

4. The doors and fireplaces in schoolrooms for children above seven years of age must be so placed as to allow of the whole of one side of the schoolroom being left free for the groups of benches and desks.

5. There must be no opening wider than an ordinary doorway between an infant's and any other schoolroom, as it is necessary to stop the sound of the infant teaching.

6. An infant school should always be on the ground floor, and, if exceeding 80 children in number, should have two galleries of unequal size, and a small group of benches and desks for the occasional use of the elder infants.

No infant gallery should hold more than 80 or 90 infants.

7. The width of a boys' or girls' schoolroom must not exceed 20 feet.

The width of an infant schoolroom need not be so restricted.

8. The classrooms should never be passage-rooms from one part of the building to another, nor from the schoolrooms to the playground or yard.

9. The classrooms should be on the same level as the schoolroom.

10. The classrooms should be fitted up with a gallery placed at right angles with the window.

11. Framed wood partitions are not allowed between schoolrooms and classrooms. They must be separated by lath and plaster partition or a wall.

12. Infants should never be taught in the same room with older children, as the noise and the training of the infants disturb and injuriously affect the discipline and instruction of the older children.

13. The windows should be of glass set in wood or iron casements. Lead lights and diamond panes are not allowed.

14. The sills of the windows should be placed not less than 4 feet above the floor.

15. A large portion of each window should be made to open.

16. The doors and passages from the schoolroom to the privies must be separate for the two sexes. So must also be the privies themselves. If they cannot be constructed entirely apart from each other, there should be between them a dust-bin, or other sufficient obstacle to sound as well as sight.

[Waterclosets can now be provided at a very reduced cost, and they may be introduced with advantage wherever there is a sufficient supply of water to cleanse them thoroughly. Great attention must be paid to the drainage of them. Earthen pipes, measuring 4 or 6 inches in diameter, cemented at the joints, glazed and trapped, are the best for this purpose.]

Earth-closets are also frequently used with success.

17. The privies must be subdivided, having a door and light to each subdivision.

18. The children must not have to pass in front of the residence on their way to their offices.

19. The Residence for the Master or Mistress should contain a

parlour, a kitchen, a scullery, and three bedrooms; and the *smallest* dimensions which their lordships can approve are—

(a) For the parlour, 12 ft. by 12 ft.	} superficial area ;	(e) { 8 ft. } in height to
(b) „ „ kitchen, 12 ft. by 10 ft.		8 ft. } wall-plate.
(c) „ one of the bedrooms, 12 ft. by 10 ft.		8 ft. if ceiled at
(d) „ two other bedrooms, 9 ft. by 8 ft.		wall-plate ; or 7 ft. to wall-plate, and 9 ft. to ceiling.
		(f) {

20. The residence must be planned so that the staircase should be immediately accessible from an entrance-lobby, and from the parlour, kitchen, and each bedroom, without making a passage of any room.

21. Each bedroom must be on the upper story, and must have a fireplace.

22. The parlour must not open directly into the kitchen or scullery.

23. There must be no internal communication between the residence and the school.

24. There must be a separate and distinct yard, with offices for the residence.

25. The porch must be external to the schoolroom.

26. Iron or wooden buildings cannot be approved.

27. An infants' school must have a playground attached to it.

28. In the case of a mixed school there must be a separate playground for the boys and girls.

29. The playground should be properly levelled, drained, and enclosed.

*Copies of the Plans and Quantities may be obtained from
Messrs. Shaw & Sons.*

XXVIII.—INSTRUCTIONS OF EDUCATION DEPARTMENT TO THEIR INSPECTORS.

CIRCULAR TO H. M. INSPECTORS.—ENGLAND AND WALES.

Education Department, Whitehall,
16th January, 1878.

Sir,—As it has now become evident that, by the operation of recent legislation, the great majority of the labouring classes will be virtually compelled to send their children to public elementary schools, which are aided, and therefore to a large extent regulated, by the State, a heavy additional responsibility is imposed upon the Government with respect to the character of schools in which these children will be obliged to spend all their school life.

It becomes, therefore, more than ever the duty of the education department to do all in their power to secure both that the most suitable and useful instruction, and such as is mostly desired by their parents, is furnished for the children, and that their moral training is fully provided for during the years which they will be compelled to spend in the public elementary schools. To enable the department to fulfil this duty, the lords of the committee of council on education must principally rely upon the action and influence of Her Majesty's inspectors in their respective districts; and from their knowledge of the zeal and public spirit of their officers, they feel that they may rely with confidence upon their cordial co-operation. Considering, however, the great increase in the staff of inspectors since 1870, and the large number of recent appointments (a), and looking also to the increased responsibility now cast upon the inspectors by the important changes in the educational system which have been made in the last three years both by legislation and by the codes, further directions appear to be desirable.

In conveying to you the following instructions from their lordships, I am desired to inform you that, in arriving at the conclusions which are herein embodied, they have carefully considered

(a) The staff of inspectors has risen from 73 in 1870, to 120 in 1877.

the reports of the most experienced inspectors during the last four years, as well as the many representations made to them during that period by managers of schools, and by other persons of knowledge and experience in educational matters.

Education Act.

With regard to your action respecting the recent Education Acts, detailed directions are not needed, as their lordships have no cause for doubting that you will as heretofore do all in your power to promote their successful working, being careful to maintain an entire impartiality between schools under different kinds of management, and to avoid even the appearance of using your influence in favour of either voluntary or board schools, or of taking a part in local differences on these matters.

There are, however, some general instructions with regard to these Acts to which I am desired to call your attention.

While their lordships are most anxious that you should afford to any local authorities that may apply to you, the benefit of such advice, on matters covered by your instructions, as may assist them in bringing into full and satisfactory operation the important powers with which they have been entrusted, it is necessary that you should bear in mind, in the case of school attendance committees appointed by boards of guardians, that they are mainly responsible to the local government board, and are assisted and advised in the discharge of their duties by the inspectors of that board. You will, therefore, be very careful in your communications with such committees to show that you have no authority to dictate to them, or, unless specially directed to do so by this department under section 27 or 43 of the Act of 1876, to ask for an account of any of their proceedings.

I should inform you, at the same time, that during the present year, you will probably be specially directed, under the Act of 1876, to report to their lordships any parts of your district in which the local authorities are not thoroughly fulfilling the duties imposed upon them by those Acts, in respect of the education, the school attendance, and the employment of the children of their districts.

Conscience clause.

If any cases are brought before you, or come to your knowledge, of an infraction of the seventh section of the Act of 1870, i.e., the Time Table Conscience Clause, you will not fail, acting in the spirit of the Act of 1876 (sect. 7), forthwith to communicate with their lordships on the subject ; and you will take special

care to point out to school managers and teachers the importance of the strictest adherence, in letter and spirit, to the provisions of that Conscience Clause, and to remind them, where necessary, of the total forfeiture of the grant which their lordships would at once inflict, should those provisions be persistently evaded or neglected. It should never be forgotten that a child withdrawn from the whole or part of the religious teaching or observances of a school, should in no way be subjected to disparaging treatment on account of his parent having thought fit to avail himself of his statutory right in this matter. But, on the other hand, in your communications respecting the arrangements of the time tables, you will remember that you have no right to interfere in any way with the liberty allowed by statute to managers of providing for religious teaching and observances at the beginning and end of the two daily school meetings. In your allusions to this subject and to the conscience clause, you will be most careful not to lead managers or teachers to suppose that the complete provision which has now been made by the legislature for protecting the rights of conscience, as an essential part of a system of compulsory attendance, and the limitation of the necessary examination by Her Majesty's inspectors to secular subjects, imply that the state is indifferent to the moral character of the schools, or in any way unfriendly to religious teaching.

Character of schools and teachers.

In connection with this subject, as affected by the Code, and your own action as a representative of the department, I have to direct your attention to their lordship's views respecting the moral character of the schools, and the character and condition of the teachers.

My lords are anxious that you should lose no suitable opportunity of impressing upon both managers and teachers the great responsibility which rests upon them, over and above the intellectual teaching, in regard to the moral training, of the children committed to their charge. You will express your special approbation of all schools where, from knowledge which you have gained by repeated visits, you observe that a high moral tone is maintained; you will not fail to enlarge upon the article (19A) (a) in the Code respecting discipline as showing the interest taken by

(a) "The inspector will bear in mind, in reporting on the organization and discipline, the results of any visits without notice (article 12) made in the course of the school year; and will not interfere with any method of organization adopted in a training college under inspection

1. The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the structure of the atom is determined by the laws of quantum mechanics.

2.

3. The second part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

4. The third part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the structure of the atom is determined by the laws of quantum mechanics.

5. The fourth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom.

6. The fifth part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the structure of the atom is determined by the laws of quantum mechanics.

of the country ; and you will do all in your power to support the authority of the managers over their schools. The friendly interest and supervision of the managers is particularly needed in the case of the young teachers of both sexes in large towns ; who being often strangers to the place and living alone in lodgings, without friends or relations, should be the object of their special care. You will therefore inquire from time to time, whether the managers take a personal interest in the conduct, comfort, and well-being of these young persons, as my lords consider this matter to be of great importance, not only to the teachers themselves, but to the children who are entrusted to their care, and who must be much affected by the characters and example of their instructors.

Pupil teachers.

It is needless to remind you that the condition of the pupil teachers of your district should receive your very careful consideration. My lords have reason to fear that sufficient care has not been bestowed upon them in many cases, either by managers or teachers. You will do well therefore to bespeak the special attention of the managers to this important subject. You will oppose the appointment of sickly precocious children as pupil teachers, and you will insist upon good health as an essential qualification for those who aspire to the teacher's office. You should warn the managers and teachers against allowing teachers of this tender age to be overworked, and should point out to them that under the revised memorandum of agreement, arrangements can be made, with great general advantage to the school, by which the pupil teachers may be allowed a portion of the school hours for their own instruction or preparation of lessons, provided that the time so employed is devoted exclusively, like their five hours of special instruction, to the subjects prescribed by the code. You should discourage the habits of sacrificing to the preparation of their lessons the times allotted for meals, and you should specially warn teachers of the serious effect upon the health of the female pupil teachers—girls of 14 to 18 years of age—of being kept standing all day at work in their schools. You should endeavour to secure that the pupil teachers receive a regular course of systematic instruction from their teachers, instead of a mere "cram" preparation for examination, and you should do all you can to maintain in the teachers and managers a sense of responsibility for the formation of the character as well as the attainments of their pupil teachers.

Code.

I pass on to call your attention to the large changes made in the code during the last two years, to the objects their lordships had in view by those changes, and to the manner in which they desire you to work them. You will probably have observed that their lordships' object throughout has been, over and above the acquisition by every child of the bare ordinary rudiments of education, to promote the development of the general intelligence of the scholars rather than to seek to burden their memories with subjects which, considering the early age at which the majority of children leave school, would not be likely to be of use to them ; and also to encourage such training in school, in matters affecting their daily life, as may help to improve and raise the character of their homes. With respect to the ordinary rudiments, you will urge the teachers, as far as they are concerned, not to be satisfied with just enabling the children to pass the standard examinations which set them free from compulsory attendance, but to endeavour to provide that all children before they leave school shall at least have acquired the power of writing with facility, of using the simple rules of arithmetic without difficulty, and of reading without exertion and with pleasure to themselves. As regards history and geography, you will encourage, as far as you can, such teaching as is likely to awaken the sympathies of the children. Their attention should be specially directed to the interesting stories of history, to the lives of noble characters, and to incidents which tend to create a patriotic feeling of regard for their country and its position in the world ; and while they should be made acquainted with the leading historical incidents that have taken place in their own neighbourhood, and with its special geographical features, and interest should be excited in the colonial and foreign possessions of the British Crown.

Books.

Though their lordships always decline to interfere respecting the choice of the books used in the schools, it will be well that you should point out the great value of using, in the reading lessons, interesting books on such subjects as natural history, the wonders of creation, or the like, which do not form part of the ordinary school course ; and with regard to the poetry which the children are required in the higher standards to learn by heart, while you will discourage foolish and trifling songs, and pieces above their comprehension, you will call attention to the value of learning by heart generally, as a means of storing the children's memories with noble and elevated sentiments. Though their

lordships have found it necessary to reduce the number of songs to be learned from 12 to 8, they desire to give every encouragement to singing in schools, as a most valuable element in the education of children.

You will not fail to inform the managers and teachers of the importance which their lordships attach to good instruction in needlework, in domestic economy, as described in the new code (a), and in the knowledge of "common things," and to such teaching as is likely to promote habits of thrift. You will encourage any well-considered schemes, such as are being adopted in various parts of the country, for teaching practical cookery to the elder girls; while, on proper occasions, you will call attention to the facilities which now exist for the establishment of school penny savings' banks, and to the great success which has attended their introduction in many schools in the poorest districts.

Subjects of instruction.

You will bear in mind, and will urge upon managers and teachers, that though certain subjects only are paid for under the code, and certain subjects only are obligatory, it is in their power to give instruction to children in any other useful and suitable branches of knowledge for which the parents show a liking, or which the character and habits of the population seem specially to require. It cannot be too strongly impressed upon you, that uniformity in the school course, as far as the non-essential subjects are concerned, is not the object their lordships have in view in their administration, but that, on the contrary, they consider it advantageous to the country generally, that there should be a variety in the teaching of the schools, so as to meet the varying and very different requirements of different localities and conditions of life. It is with this view that a great variety of optional subjects, both in the elementary science and literature, has recently been added by their lordships to the code. From no good school, however, or conscientious teacher, will you ever hear the plea urged that only "paying" subjects can be attended to. The schools which pass best in such subjects are not those which confine themselves solely to the work of the standards, which are necessarily fixed with an eye to the capacities of ordinary children, or even to the others enumerated in the code. Regularity of

(a) 1. Food and its preparation. Clothing and materials.—2. The dwelling; warming, cleaning, and ventilation. Washing materials and their use.—3. Rules for health; the management of a sick room. Cottage income, expenditure, and savings.

attendance, which is increasing daily, under the action of recent legislation, will probably give ample time for the more advanced instruction of the better scholars, and of those who remain at school longer than the early age at which compulsion ceases, while the honour certificates of the act of 1876, which are in fact exhibitions for the best scholars, will, it is to be hoped, judging from the value which already appears to be attached to them, work in the same direction.

Night schools.

Some changes made in the code, with a view to encourage night schools, will not have escaped your notice. Experience has shown their usefulness, both in the manufacturing and rural districts, in supplementing the work of day schools. The early age of leaving school, and the large number of young men who have either received no instruction at all, or have forgotten what they have learned, will, at any rate for the present, make these schools of much value. As they call for considerable personal sacrifices, on the part both of teachers and scholars, they are likely to be maintained only where a genuine and meritorious zeal for education exists on both sides. Owing, however, to the small numbers of which, in most cases, these schools must necessarily consist, they can hardly be carried on without encouragement and support from this department. My lords, therefore, desire you to give every encouragement in your power to local efforts for the establishment of night schools, under circumstances which promise that they will be judiciously conducted, and actively maintained.

I have now to convey to you some directions respecting the examination of schools, and your inspection generally.

Examination.

The changes in the code have been so considerable, and the requirements of it have been so largely raised, that my lords think it most desirable that, in your examinations, the new code should be worked very gradually and cautiously, so as not to discourage either the teacher or the children, by expecting too much from them at first under a change of system. These remarks will of course be particularly applicable to new schools, and to those where many rough and untaught children have been recently introduced by means of compulsion. My lords wish it to be understood that they do not approve of the examination being taken on paper under article 19 C of the code (a), except in

(a) 19 C. 1. The sum of 4s. per scholar, according to the average number of children, above 7 years of age, in attendance throughout the

special cases, respecting which, of course, you must use your own discretion. It has long been the practice of the most experienced inspectors, in consideration of the obligation upon girls to learn needlework, while boys have no corresponding obligatory claim upon their school hours, not to apply to girls, in the examination in arithmetic, exactly the same standard of proficiency as to boys. My lords are of opinion that this practice should be adopted by Her Majesty's inspectors generally.

Visit without notice.

Their lordships further direct me to say that they attach great importance to a second visit (without notice) being made, as far as possible, to every school in the year, with a view to the general encouragement of the teachers and the children, and to enable you to exercise a larger influence upon the general conduct of the school than is possible where only one visit for the purpose of examination takes place ; and they would strongly impress upon you their desire that you should endeavour to make all your visits, as far as lies in your power, an encouragement and assistance to managers and teachers in their difficult work.

You will bear in mind that anything like dictation to teachers, as if they were in any sense officers of the department, or responsible to any one save the managers of their schools, should be very carefully avoided. It is no part of an inspector's duty either to find fault with or to reprove a teacher. If he thinks it either necessary, or a kindly act, to give advice, or warning, to a teacher it should not be done in the hearing of the scholars or pupil teachers.

But, above all, it is incumbent on an inspector to show by his manner in examining, and dealing with the classes and with individual scholars, that the main object of his visit to a school is to elicit what the children know, and not to prove their ignorance. That object is entirely defeated, if by a harsh, impatient, or indistinct manner of questioning the scholars, he frightens or confuses them, or if he puzzles them by fanciful and unreasonable questions.

year (article 26), if *the classes* from which the children are examined in Standards II.—VI., or in specific subjects (article 21*b*.), pass a creditable examination in any two of the following subjects, viz., grammar, history, elementary geography, and plain needlework.

5. The mode of examination (whether oral or on paper) (*b*) is left to the discretion of the inspector.

(*b*) Examination on paper will, as a rule, be confined to scholars in Standard VI.

Inspection.

With regard to your assistant, you will not delegate the inspection of a school to him, except in a case of absolute necessity, arising from illness or some such cause. When you have been compelled to do so, you will notify the fact to the department, and will make a point of making a visit yourself to that school in the same year. You will, as far as possible, confine your assistant's action to the individual examination of scholars. You should, however, always take enough of this work yourself to enable you to report from your personal knowledge, upon the efficiency of every department. The main duty of the assistant is to collect for you sufficient facts, as to the children's reading, writing, &c., on which you can form a judgment as to the merits of the schools under your inspection; and their lordships cannot accept any reference to the opinion of an inspector's assistant, as part of the official report on a school. For everything of the nature of *inspection*, the inspector alone is responsible; and the interests of schools depend so materially upon the results of the yearly official visit, that it is necessary to insist that more time should be devoted by the inspector to an examination into the actual work done in every school on his list, than is frequently given to this duty at present. The increase in the staff of many of the districts, and the reduction in the size of others, will remove some of the difficulties which formerly existed in connection with this part of the inspector's duties.

In the official reports which you are called upon to make to this department, from time to time, respecting the condition of your district, my lords will be glad that you should generally notice the subjects to which your attention has been directed by this special circular.

My lords are fully aware that no little tact and judgment are required to fulfil the duties of your office, especially in your relations to the managers of the schools. The standard of duty which they place before you is undoubtedly a high one; but they are of opinion that the object of parliament, and of successive administrations, in maintaining the present large staff of officers of the highest standing, has been, not merely to certify the department respecting the rudimentary instruction given in the schools, but that Her Majesty's inspectors should still take a leading part, as so many distinguished members of their body have done, in developing and raising the character of our elementary schools, so that the country might derive the greatest possible benefit from their institution. Their lordships have therefore felt it their duty, at a period of considerable change in the educational system of the country, to state somewhat fully their views respecting the action

and responsibilities of Her Majesty's inspectors, and also respecting the instruction, training, and management of the schools which are subject to their supervision, so as both to assist and encourage their inspectors, and also to remove doubts which have been expressed by those connected with schools on the various matters which are alluded to in this circular.

While, from their knowledge of the past and present work of Her Majesty's inspectors, my lords rely with confidence upon having their continued zealous assistance, they as confidently rely upon the friendly and public spirited co-operation of the local educational authorities, and of the managers and teachers of schools, in carrying on the great work of national education in the manner, and with the results, which the large sacrifices of the country give it a right to expect.

I have the honour to be, Sir,

Your obedient Servant,

F. R. SANDFORD.

To

H. M. Inspector of Schools.

INDEX.

- Accounts of school attendance committees, circulars of local government board as to, 412, 413.**
of school boards, audit of, 61, 127—chairman to sign, 127—circulars of local government board as to, 465, 467; as to audit of, 460, 462—copies of, to be sent to rating authority and overseers, 65—examination of, 127—general order as to, 469; instructions in explanation of, 501—publication of, 65—regulations as to keeping, 64, 127—when to be made up and balanced, 61, 127.
statutes relating to the audit of, 248.
- Act, application of, to Ireland, 145; to Scotland, 145, 190—construction of, 189—publication of provisions of, 148.**
- Additional school accommodation, provision of, 17.**
- Age of child, false representation by parent for purposes of employment as to, 180—proof of, 132—regulations of education department as to certificates of, 335.**
- Agent or workman, liability of, for illegal employment of child, 180.**
- Agricultural Children Act, 188, 196.**
- Allowance of school fees by way of loan, order as to, 392.**
- Allowances by auditor in accounts of school board, appeals against, 63, 253.**
- Alteration of industrial schools, powers of school boards in relation to, 198.**
of number of members of school board for London, 46.
- Amount of public school accommodation, how to be ascertained, 9.**
- Annual parliamentary grant, conditions of, 97—minute of education department as to, 98—refusal of, to unnecessary schools, 98.**
- Annual report of education department, 98.**

Index.

- Appeals against allowances, disallowances and surcharges by auditor, 63, 253.**
- Appearance in legal proceedings, 132.**
of school board in legal proceedings, 87.
- Application for public inquiry as to school accommodation, 10.**
for school board, Ballot Act, 1872, not applied to voting upon resolution for, 12—personation of voter at, resolution for, not an offence under Education Acts, 136—rules or resolutions as to, 106.
for transfer of elementary schools, resolutions of education department with regard to, 25.
of small endowments of schools, 81.
to form school board without previous inquiry, 11.
- Applications for certificates for day industrial schools, instructions as to, 452.**
- Appointment of chairman and vice-chairman by school board, 110—of chairman of managers, appointed by school board, 111—of inspectors of returns, 72—of local committees by school attendance committee, 175, 195—of managers of schools, 14—of officers by local authority, 172, 178; by school attendance committee, 172, 178; by school boards, 39, 111; to bring children to be sent to industrial school, 41; to enforce bye-laws, 41—of person to hold public inquiry, by education department, 73; his report, 73; costs of inquiry, 74—of person to make returns, by education department, 128.**
- Appointments by school board, no stamp duty on, 40.**
- Apportionment of expenses of school fund in metropolis, 46, 127—of school fund in united and contributory districts, 55.**
- Approval of time tables by inspectors, 6—circular of education department, as to, 318—minute as to, 7.**
- Assistant clerk to guardians cannot act as clerk to school attendance committee, 177.**
- Assistant overseers, duty of, as to notices, 128—expenses of, 129.**
- Assistants, sanction of education department necessary to employment of, 72.**
- Attendance at audit, of clerk of school board, 62—of ratepayers, 63—power of auditor to compel, 64.**
- Attendance at school, of children employed in factories, 206—of soldiers' children, 350.**

Index.

- Attendance at Sunday school or religious observance, 6—not to be compulsory, 6.**
- Attendance in workhouse schools, general order prescribing, 418—general order as to register of, 420.**
- Attendance of child at efficient school, proof of, 132—in accordance with byelaws, proof of, 132.**
- Attendance of children at school, 74—byelaws as to, 75—conditions of continuance of relief out of workhouse in respect of, 204—duty of education department on failure of local authority to make byelaws as to, 201—enforcement of, 41—exemption where child has reached standard specified in byelaws, 78—forms for returns as to, 129—local authorities obliged to make byelaws as to, 200—proofs with regard to, 131, 132—reasonable excuses for, 78—school attendance committee may make byelaws as to, 202.**
- Attendance order, penalty for non-compliance by parent with, 153.**
- Attendance register for workhouse schools, general order as to, 420.**
- Attendances at school, number of may be reduced, when, 147.**
- Audit of accounts of expenses of school attendance committees in urban districts, 176.**
- Audit of accounts of school board, 61, 127—attendance of clerk of board at, 62; of ratepayers at, 63—circulars of local government board as to, 460, 462—notice of, 62—powers of auditor with regard to, 63—recovery of money certified by auditor, 64—regulation as to, 64—when and where to be held, 62.**
- Audit of accounts, statutes relating to, 248.**
- Auditor of accounts of school board, 61—appeal against decision of, 63, 253—balance sheet to be signed by, on completion of audit, 65—powers of, as to audit, 63; as to requiring attendance of persons and production of books, &c., at audit, 64—remuneration of, 62—who shall be, 60.**
- Authentication of documents, notices, &c., 86.**
- Authority required for proceedings as to school attendance, 179.**
- Balance sheet of school board accounts to be signed by auditor, 65.**
- Ballot Act, 1872, 89—applied to elections of school boards, 139.**

Index.

- Ballot boxes for elections of school boards, 140.
Bill of costs of returning officer, taxation of, 101.
Birth, certificates of, not liable to stamp duty, 170—school boards may pay for, 170.
Births, registrar to furnish certificates of, 170—returns as to, 171.
Body corporate, term "person" includes, 2.
Books of school board, inspection of, by ratepayers, 88.
Borough, definition of term, 2.
Boroughs, election of school boards in, 34—voting at, 34—where parishes are divided by boundaries of, 84.
regulations as to triennial elections in, 265—as to casual vacancies in school boards in, 274.
Borrowing by school boards, 57, 122—by school board for London, 60—by school board, in default, 68.
Borrowing powers of school boards for contributions towards industrial schools, 198.
Boundaries of boroughs, effect of division of parishes by, 84—of metropolitan divisions, 262—of school districts in the metropolis, 45.
Bribery at election of school boards, penalty, 92.
Burgesses, congregations of, 34.
Byelaws as to attendance of children at school, 74—duty of local authorities to make, rendered compulsory, 200—duty of education department on failure of local authority to make, 201—made in pursuance of Act of 1880 not to affect children already in employment in accordance with Act of 1876, 201—school attendance committee may make, 202.
annual report of education department to contain, 81
—appointment and remuneration of officers to act in execution of, 172—appointment of officers to enforce, 41—conditions of continuance of relief in respect of children attending school in pursuance of, 204—deposit of, for inspection before approval, 78—employment of children attending school under, 146—enforcement of, 79, 168, 202; proceedings under to be authorized by two members of local authority, 179—local authority to enforce, 168—proceedings, for contravention of, may be taken although act constitutes habitual neglect, 203; for penalties, 179—proof of attendance of child in accordance with, 132—

Index.

Byelaws—continued.

publication of notice of deposit, 78—remission or payment of fees not to be provided for in, 168—representations as to nature of, 168—sanction of, by order in council, 81—school attendance committees to make, 167; enforcement of, by, 167, 176; in boroughs and parishes not under jurisdiction of school boards, 167.

Byelaws for school boards, instructions of education department as to, 511—model form issued by education department, 512—form of declaration of deposit of, 515—of notice of deposit of, 514.

for union school attendance committees, circular of education department as to, 516—instructions as to, 517—model form issued by education department, 518.

Canal Boats Act, 1877, 80.

Canal boats, children in, subject to byelaws of place where registered, 80—owners of, may establish schools, 81—registration of, 80.

Canal companies may establish schools, 81.

Candidates for election as members of school boards, nomination of, 139.

Casting vote of chairman, 110.

Casual vacancies, election for filling, 140, 186, 196—in school boards in boroughs, regulations as to, 274—in parishes, regulations as to, 297—in united districts, regulations as to, 302.

Certificate, false, exemption of employer where child employed in good faith on, 181—forgery of, penalty for, 132—proceedings as to, 179.

Certificate of birth, exempt from stamp duty, 170—general order prescribing form of requisition for copy of, and fixing fee for, 367—school board may pay for, 170.

Certificate of principal teacher of school to be evidence of facts stated therein, 131.

Certificates for day industrial schools, instructions as to applications for, 452.

Certificates of age, school attendance and proficiency and payment of school fees for children holding honour certificates, regulations of education department as to, 335.

Index.

- Certificates of education department, authentication of, by school boards, 86—evidence of, 86—service of, on school boards, 86.
- Certificates of proficiency, contributions from parliamentary grant for fees of children obtaining, 165—employment of children having, 146—for marine schools, regulation as to, 352—for purpose of payment of fees, 192—regulations as to, 169—standards of proficiency for purposes of employment, 191—to scholars claiming exemption from compulsory attendance at school, circular of education department as to, 320.
- Certificates to teachers, circular of education department as to, 364,
- Certified industrial schools are industrial schools for purposes of Act, 199—children, how to be sent to, 41; expense of, 41; may be sent to certified day industrial school in lieu of, 159—classes of children who may be sent to, 156—consent of secretary of state required for provision of and borrowing for, 158—contributions to, by school boards, 30—definition of, 155—liable to be rated to the poor, 159—license for child sent to, to live out of school, 157—separate confinement of children, not to be provided for, by rules of, 33.
- Certified day industrial schools, Acts applied to, with modifications, 161—are industrial schools for purposes of Act, 199—children authorized by Industrial School Acts to be sent to certified industrial schools may be sent to, 159—children disobeying order of court for attending school may be sent to, 153—contributions by parents towards maintenance of child in, 154, 160—contribution to, by school boards and prison authorities, 30—definition of, 159—establishment of, 159; by school boards and prison authorities, 32—examination of children to be provided for by conditions of parliamentary contributions to, 165—forms of orders for sending children to, may be prescribed by secretary of state, 161—grant of certificate by secretary of state, 159—grant of relief to parent by guardians for contributions to, 160—hours during which children may be detained in, 159—mode in which children may be sent to, may be prescribed by secretary of state, 161—

Index.

Certified day industrial schools—*continued.*

order for reception, unnecessary, on request of local authority and undertaking by parent to pay certain sum, 160—order in council as to, 424; may provide for children being sent to, in lieu of certified reformatory school, 161—parliamentary grant, for children sent to, 159; for children received into on request of parent and local authority, 160—proceedings for sending children to, to be taken by local authority, 156—recommendations of secretary of state as to parliamentary grants to, 455—regulations as to payments by parents of children sent to, 161, 459; of secretary of state as to payments by parents of children sent to, 459—regulations to be embodied in rules of, 452—to be deemed certified efficient schools, 159—withdrawal of certificate from, 161.

Certified efficient school, definitions of, 187.

Certified efficient schools, circular letter of education department to inspectors as to, 328—instructions and rules of education department as to, 328—workhouse school becoming, when proceedings under Act cannot be taken as to, 153, 188.

Certified reformatory school, order in council may provide for children being sent to certified industrial school in lieu of, 161.

Certified sums, recovery of, by auditor, 64.

***Certiorari*, to remove allowances or disallowances into Queen's Bench, 253—when it will lie, 38.**

Chairman of managers, appointed by school board, 111—to have a casting vote, 111.

Chairman of school board, absence of, from meeting, 110—accounts of board to be signed by, 127—appointment of, 110—appointments of officers to be signed by, 111—to have casting vote, 110—vacancy in office of, 110.

Chairman of school board for metropolis, election of, 45—salary of, 46.

Change of site of schools, 17.

Charge of relief granted for pauper children, 120, 181.

Charges incurred in relation to purchase of lands by school boards, 22.

Charitable Trusts Acts, 1853 to 1869, 232-238—incorporation of, 24.

Index.

- Charity school, funds not to be applied to general purposes of school on transfer of, 26.**
- Child, court of summary jurisdiction may make order for attendance in lieu of penalty, 131—evidence as to, 131, 132—production of, before court, 131—definition of, 187—duty of parents as to education of, 146—employment and education of, in factories and workshops 146, 148—employment by parents, definition of, 187—exceptions to restrictions as to employment of, 145, 150, 189—order of justices for attendance at school, how obtained, 152; complaints on continuing non-compliance with, 154; penalty on non-compliance without reasonable excuse, 153; proceedings under Industrial Schools Act to be taken on non-compliance, 156; reasonable excuses for non-compliance with order, 152—penalty for illegal employment of, 147—regulations as to employment of, 146—withdrawn from religious instruction, may receive secular instruction at same time, 6.**
- Children, attendance of, at school, byelaws as to, 74—authorized to be sent to certified industrial schools, may be sent to certified day industrial schools, 159—certified day industrial schools may receive on request of parent and local authority without order, 160—classes of, which may be sent to industrial schools, 41, 156—conditions of employment of, issued by education department, 147—employed in canal boats, education of, 80; establishment of schools for, 81—employed in labour, byelaws not to affect acts regulating education of, 76—enforcement of byelaws as to attendance at school, 41—how to be sent to industrial schools, 41.**
- Circular letter of education department to inspectors as to certified efficient schools, 328—as to withdrawal of children from religious instruction, 8.**
- Circular of education department, as to certificate of scholars claiming exemption from compulsory attendance at school, 32—as to certificate of teacher, 364—as to election expenses, 101—as to school registers, and method of keeping them, 324—as to transfer of schools, 304—containing instructions to their inspectors, 527—to inspectors as to approval of time-tables, 318—to union school attendance committees as to byelaws, 516.**
- .

Index.

- Circulars of the Local Government Board, as to accounts and expenses of school attendance committees, 412, 413—
as to audit of accounts of school boards, 460, 462—as
to duties of guardians, 400; of school attendance committees, 403—as to education of outdoor pauper children, 356.
- Citation of School Sites Acts, 113.
- City of London, election of members of school board for, 44.
- Classes of children to be sent to industrial schools, 41, 156—
which may be sent to certified day industrial schools, 159.
- Clerk to school attendance committee, assistant clerk to guardians cannot act as, 177.
- Clerk to school board, appointment of, 39—attendance at audit by, 62—duties of, 40—removal of, 40—salary of, 40.
- Clerk to guardians, prosecutions under Act not among duties of, 153—to be clerk to school attendance committee of union, 177.
- Coal mines, employment of children in, 211.
- Combination of school boards of two or more school districts, 53
—of school districts, 53.
- Commissioners Clauses Act, 1847, 239—incorporation of, 57, 123.
- Committee of council on education, who are, 2.
- Common fund, definition of, 133.
- Common seal of school boards, 35.
- Complaint, as to time tables, by parents or guardians of scholars, 7—by local authority of non-compliance by parent with school attendance order, 153.
- Compulsory attendance of children at board schools, 74—circular of education department as to certificates of scholars claiming exemption from, 320.
- Compulsory purchase of land by manager of public elementary school, 23—by school board, 19—confirmation of order for, 22—costs incurred respecting, 22—petition to education department for, 20—publication of notices previous to, 20—regulations as to, 19—service of notices, 20.
- Conditions, for obtaining annual parliamentary grants, 97, 166, 167; special grants, 167—of annual parliamentary grants, 96, 166; managers of elementary schools may fulfil, 99—of continuance of relief out of workhouse in respect of children attending school, 204.

Index.

- Conditions of employment issued by education department, 147, 349—of parliamentary contributions to day industrial schools, 165.**
- Conduct of public elementary schools, 5.**
- Confirmation of election orders, 120—of order for compulsory purchase of lands by school boards, 22.**
- Congregations of burgesses, 34.**
- Consent necessary, for proceedings as to school attendance, 179—to contributions by guardians for maintenance of children in industrial schools, 199—to undertakings of school boards under Industrial Schools Act, 1866, 198.**
- Consent of education department to expenses incurred by school boards, 122—to loans obtained by, 122.**
- Consent of secretary of state to borrowing by school board for contributions towards industrial schools, 198—to spreading repayment over a number of years, 198.**
- Constitution of school boards, 34—of school boards in the metropolis, 43—of school boards in united school districts, 50.**
- Constitution of school districts, when Poor Law Amendment Act, 1876, not to apply to, 188.**
- Construction of Act of 1876 with other enactments, 189.**
- Continuance of relief out of workhouse in respect of children attending school, conditions of, 204.**
- Contracts by corporations, law as to, 35.**
- Contravention of byelaws, proceedings may be taken for, although act constitutes habitual neglect, 203.**
- Contributory school districts, 51—apportionment of school fund in, 55—education department may make orders as to election in, 51—election of members of, 52—evidence of formation of, 51—public inquiry as to, 52—publication of notices as to, 52—revocation of orders as to, 52.**
- Contributions by guardians towards maintenance of children in industrial schools, 199; payment of expenses of, 199—by parent to cost of maintenance and training of child in industrial school, 154, 160; in certified day industrial school, 160; relief may be given by guardians for payment of, 160—by parliament to day industrial schools, 165—for fees of children who obtain certificates, by education department, 165.**
- to industrial schools by school boards, 30—by prison authorities, 30—school boards may borrow for, 198—**

Index.

Contributions by guardians—*continued.*

consent necessary for, 198—payment may be spread over a number of years, 198.

Conveyance of land purchased by manager of elementary school, 23.

Conviction for corrupt practices at election of school board, disqualifies for being member of school board or holding a municipal office, 122.

Corporation, law as to contracts by, 35.

Corrupt practices at elections of school boards, penalties, 88—disqualification of persons guilty of, 122.

Costs incurred in relation to purchase of lands by school boards, 22—of enlarging, &c., industrial schools, school boards may spread over a number of years contributions towards, 198—of public inquiry as to school accommodation, 74—of returning officer, taxation of, 101.

Council of borough, appointment of school attendance committee by, 195—alteration of number of members of committee by, 175—consent of, to expenses of and employment of officers by school attendance committee, 173.

Counterfeiting certificates, penalty, 132.

Court of summary jurisdiction, constitution of, 130—definition of, 133—may order parent to contribute to maintenance of child in certified day industrial school, 160—may send to certified day industrial school children liable to be sent to certified industrial school, 159—order of, for attendance of children at school, 152—proceedings on disobedience of order of, 153—production of child before, 131—regulations as to proceedings before, 130.

Current expenses, school boards not to borrow for purposes of, 53, 123.

Day industrial school, definition of, 159.

Day industrial schools, instructions and regulations as to, 162; as to applications for certificates for, 452—orders in council as to, 424—regulations to be embodied in rules of, 452—secretary of state may certify, 159—secretary of state may withdraw certificate, 161.

Day, for election of school boards in metropolis, 43—for retirement of members, 108—to which school board accounts are to be made up, 127.

Deaths, registrar, on requisition, to furnish local authority with returns of, 171.

Index.

- Decision of education department as to school accommodation, publication of, 9.
- Declaration of deposit of byelaws, form of, 515.
- Defacing notices, penalty for, 129.
- Default, by local authority to make byelaws as to attendance at school, duty of education department in case of, 201; to perform duties under Acts, powers of education department on, 171—by rating authority, remedy of school board on, 56—by school board, to observe regulations as to schools, 15; to provide sufficient school accommodation, 5, 17; proceedings in case of, 11, 65.
- Defaulting school board, proceedings as to, 65.
- Deficiency in public school accommodation, how to be supplied, 5—proceedings of education department, for determining with respect to, 9; on default to supply, 5, 11, 17.
- Deficiency of school fund, how to be provided for, 54—separate rate may be levied for, 54.
- Definition of terms, "borough," 2—"certified day industrial school," 159—"education department," 2—"elementary school," 3—"Her Majesty's inspectors," 2—"managers," 2—"metropolis," 1—"parent," 3—"parish," 2—"parliamentary grant," 4—"person," 2—"ratepayer," 3—"schoolhouse," 3—"teacher," 3—"vestry," 3.
- Denison's Act, repeal of, 114.
- Deposit of byelaws, form of declaration of, 515—form of notice of, 514.
- Deputy returning officer in metropolis, nomination of, 45.
- Detached parts of parishes, union of, for purposes of Act, 125.
- Determination of disputes as to election of school boards, 38.
- Disallowances by auditor, appeals against, 63, 253.
- Discontinuance of schools, 17.
- Disobedience to order of court for attendance at school, proceedings on, 153.
- Disqualification, of members of school boards, 39; when not to invalidate proceedings of board, 36—of paupers for voting at school board elections, 4—of persons guilty of corrupt practices, 122.
- Disputes as to election of school boards, determination of, 38—as to school boards having complied with regulations, reference to education department in cases of, 15.
- Dissolution, of school board, proceedings of education department on application for, 184—of united school districts, 48.

Index.

Distance at which child shall be excused from attendance at school, 78.

District Auditors' Act, 1879, 255.

District relief committees, order as to applications for payment of school fees to, 388.

District schools, circular of education department as to certificates to teachers in, 364—regulations of education department as to teachers in, 366.

Divisions of metropolis, 1, 113.

Documentary Evidence Act, 1868, 245—application of, 86.

Documents of education department under Act of 1876, provisions of Act of 1870 applied to, 186.

Duties of officers of school boards, 40.

Duty, of local authorities to make byelaws as to attendance of children at school, rendered compulsory, 200—of parent to cause child to attend school, 75—of parent to cause child to receive instruction, 146.

Education department, annual report as to refusal of grants by, 98—appointment of persons to make returns by, 128—authentication of orders of, 186—byelaws of school boards to be approved by, 74, 167, 200—Charitable Trusts Acts apply to, 84—consent of, not required for establishing, &c., industrial schools by school boards, 158—definition of, 2—determination of disputes as to elections of school boards by, 38—dissolution of school boards by, 184—Documentary Evidence Act, 1868, applied to, 86—duty of, where local authority fails to make byelaws as to attendance of children at school, 201—evidence of orders, &c., of, 86—loans for providing school accommodation, instructions as to, 58.

local authority, to furnish returns to, 186—to furnish with copy of notice of exemption of children from school attendance for purposes of husbandry, &c., 150—to report infraction of conscience clause to, 148.

orders of, with respect to united school districts declared valid, 143—period within which objections may be made to legality of orders or requisitions of, 87—proceedings to be taken by, for determining as to public school accommodation, 9; publication of decisions as to, 9—proceedings by, where local authority fail to fulfil their duty, 171—regulations as to certificates of proficiency and pre-

Index.

Education department—*continued.*

vious due attendance at school may be varied by, 169—
urban sanitary authority may apply to, for power to appoint
a school attendance committee, 176.

Education, of outdoor pauper children, circular of local govern-
ment board as to, 356—of pauper children, guardians
may grant relief for, 115, 181.

Educational certificates, employment of children of thirteen on
obtaining, 208.

Educational purposes, school board may accept gifts for, 125.

Efficient school, proof that elementary school is an, 132.

Election expenses, circular of education department with regard
to, 101.

Election of school boards, Ballot Act, 1872, applied to, 139—by
contributory districts, 52—corrupt practices at, 92—dis-
putes as to, determination of, 38—expenses incidental to,
136–139—in boroughs and parishes, 34; voting at, 34
—in metropolis, 43; rules for, 101–106, 107—in united
districts, 50—nomination of candidates for, 159—orders
of education department as to, 265—paupers not to vote
at, 4.

penalty, for falsifying voting paper, 88—for forging voting
paper, 88—for making incorrect returns, 88—for ob-
structing, 88.

provision of ballot boxes, &c., for, 140—provisions with
respect to, 37—rules and regulations respecting, 37, 101,
121, 137—substitution of rules as to, 121.

time, for holding, 101, 121, 136—for questioning, 122.

voters may be confined to use of numbers in filling up voting
papers, 139.

Election of member of school board, how to be questioned, 38—
proceedings on non-election, or where board ceases to
exist, 37.

Election order, confirmation of, 120.

Elections for casual vacancies in school boards, 186, 196.

Elementary Education Act, 1870, 1.

Elementary Education Act, 1873, 114.

Elementary Education (Orders) Act, 1874, 143.

Elementary Education Act, 1876, 145.

Elementary Education (Industrial Schools) Act, 1879, 197.

Elementary Education Act, 1880, 200.

Index.

Elementary school, definition of, 3—proof that it is efficient, 132.

Elementary schools, regulations as to conduct of, 5—transfer of, to managers of school boards, 24—re-transfer of, to managers, 28.

Employer of child, justice may require production of child before court of summary jurisdiction by, 131.

Employment of children, above thirteen on obtaining educational certificates, 208—by parents, what to be deemed, 187—conditions issued by education department for, 147, 349—contrary to Factory and Workshop Act, fine for, 209; for allowing, 209—enforcement of provisions of Act respecting, 147.

exceptions to restrictions as to, 146—in case of child employed attending school under Factory Acts or byelaws, 146—when certificate of proficiency or previous due attendance at school is obtained, 146—when employment is during holidays, or when school is not open, or otherwise when instruction of child is not interfered with, 150—where local authority suspend prohibition for purposes of husbandry, 150—where no public elementary school open within certain distance, 150.

exemption of employer who has acted in good faith, 181—general restrictions as to, 146—illegally, by agent or workman, exemption of employers, 180; agent or workman liable to penalty for, 180—in contravention of Act, who deemed guilty of, 202; penalty for, 147, 202—in factories and workshops, enforcement of provisions of Act as to, 148—in coal mines, 211—in manufactories, 206—law as to, 146—on fraud or false representation of parent, 180—order of justices for searching places of, 173—proceedings against others than employers, 181.

Endowed Schools Acts, 82.

Endowments of schools, application of small, 81.

Enforcement, of byelaws, 79, 202; appointment of officers for, 41—of children's attendance at school, 41; appointment of officer for, 41—of precepts of school board in metropolis, 46—of provisions as to employment of children, 147.

Enlargement of industrial schools, school boards' powers in relation to, 198.

Index.

Establishment, of industrial schools, 29—of free schools, 29—of schools for education of children employed in canal boats, 81.

Evidence, of facts stated in certificate of principal teacher or school, 131—of formation of contributory school district, 52—of orders, &c., of education department, 86—of proceedings of school boards, 36.

Expenses, contribution by part of parish for, 188—incurred at elections of school boards, 136-139—incurred by guardians in granting relief for contributions by parents to maintenance of children in certified day industrial schools, mode of charging, 160; in payment of school fees for children of non-paupers, mode of charging, 178; for pauper children, 181—incurred by persons appointed by education department to be members of school board in default, 67; certificate of education department as to, 67.

of contributions by guardians towards maintenance of child in industrial school, 199—of copying and arranging rate book, how to be calculated, 140—of elections of school boards, 101; circular of education department as to, 101—of local authorities other than school boards, 173—of making returns as to births and deaths, local authorities may pay, 171—of overseers, assistant overseers, and officers of guardians with regard to notices, 129, 178—of pauper education, 114, 181—of publication, of notices by officers of guardians, payment of, 129, 178; of provisions of Act by school attendance committee, 149.

of school attendance committees, appointed by councils and guardians, 174; payment of, 174, 188—appointed by education department on default of local authority, 172; recovery of, 172—appointed by urban sanitary authorities, payment of, 176—circulars of local government board as to, 412, 413.

of school board in metropolis, apportionment of, 46, 127.

of school boards, borrowing powers in respect to, 123—Commissioners Clauses Act, 1847, incorporated for purposes of borrowing for, 123—consent of education department necessary for spreading payment over number of years, 123; or for borrowing for, 123—loans for, consent of education department necessary to, 123; pay-

Index.

Expenses—continued.

ment may be spread over number of years not exceeding fifty, 123—provisions of Act of 1870 applied to expenses under Act of 1876, 173.

Ex officio guardians, one third of school attendance committees in unions to consist of, 148.

Examination of accounts of school boards, 127—chairman to sign accounts after, 127.

Exemption of children from obligation to attend school, 78.

Extension of powers under Industrial Schools Act, 1866, to school boards, 198.

Extent of Act of 1870, 1.

Factories, attendance at school of children employed in, 206—employment and education of children in, 149, 206—enforcement of provisions of Act as to children employed in, 147—occupiers of, may obtain school attendance certificates, 207—registers to be kept in, 208.

Factory Acts, definition of, 187.

False certificate, penalty for giving or signing, 132—exemption of employer where child employed in good faith on, 181.

False declaration as to accounts, penalty for making, 64.

False evidence, penalty for, 132.

False information, penalty for giving, 132.

Falsifying voting papers, 88.

Fee for copy certificate of birth, general order fixing, 367.

Fees of school children, 15—moneys received from scholars to be carried to school fund, 53.

payment of, for parents by guardians, 29, 151—not to subject parent to disability or disqualification, 151—not to be subject to conditions, 151.

remission of, 15—not to be deemed parochial relief given to parents, 16.

schools in which none shall be payable, 29.

Females, qualified to be elected members of school boards, 34—right of, to vote at election of school boards, 45.

Final notice of education department as to public school accommodation required, 10.

Fine, for employing children contrary to Factory and Workshop Act, 209—on parent for allowing, 209.

Index.

Fine—continued.

for neglecting to cause child in employment to attend school, 209.

Fitting up schools, rules to be observed in, 521.

Forgery of certificates, 132.

Forging voting papers, penalty, 88.

Formation of school boards, after enquiry, 10—without enquiry, 10—without enquiry on application, 11.

of united school districts, 47, 124—conditions as to, 48.

Form, of byelaws for school boards issued by education department, 512—for union school attendance committees issued by education department, 518.

of declaration of deposit of byelaws, 515—of notice of deposit of byelaws, 514—of precepts of school boards, 111, 112—of questions to be answered as to transfers of schools to board, 307—of requisition for copy of certificate of birth, general order prescribing, 367—of transfer of school to school boards, 314.

Forms for returns, of attendances at schools, 129—of births and deaths may be supplied by local authorities, 171; approval of local government board necessary, 171.

Free schools, establishment of, 29.

Funds of charity school not to be applied to general purposes of school on transfer, 26.

General order, as to accounts of school boards, 469; circular of local government board as to, 467; instructions in explanation of, 501—as to attendance of soldiers' children at public elementary schools, 350—as to monthly payments to enquiry officers, 394; to officers of school attendance committees, 416—as to register of attendance for workhouse schools, 420—prescribing attendance as regards workhouse schools, 418; prescribing form of requisition for copy certificate of birth, and fixing fee, 367—regulating proceedings of guardians, 369.

General orders, as to payment of school fees of non-pauper children, 383, 384—regulating proceedings of school attendance committees, 405, 411.

Gifts for education purposes, school board may accept, 125.

Index.

Gifts of lands for school houses, 260.

Gratuity by school board to officer, illegal, 40.

Guardians, circular of local government board as to duties of, 400—clerk to, prosecutions under Act not among duties of, 153—contributions towards maintenance of children in industrial schools by, 199; consent necessary for, 199; payment of expenses for, 199—expenses of publication of notices may be paid by, 178; mode of charging the same, 178—general orders regulating proceedings of, 369–417—interpretation of term, 133—parts of parishes to pay contributions to, 188.

payment of school fees by, general orders as to, 383–389—by way of loan, 152; recovery of, 152—of school fees of non-pauper children, powers cannot be delegated to school attendance committee, 151.

relief granted by, for payment of school fees, may be applied directly in payment thereof, 183; subject to Acts relating to relief of the poor, 178—necessary for attendance at school of out-door pauper children 181; provisions as to granting same, 182—towards maintenance of child in certified day industrial school, may be given to parent, 160; mode of charging same, 160.

school attendance committee appointed by, 148, 195—employment of officers by committee, subject to consent of guardians, 173—expenses incurred by committee, subject to consent of guardians, 173—number of members of, may be altered by guardians, 175.

school fees of non-pauper children may be paid by, 151; to be charged to parish, 178—statement of local government board as to payment of school fees by, 182.

Habitual neglect by parent, proceedings in case of, 152—proceedings for contravention of byelaws may be taken although contravention constitutes, 203.

Habitually consorting with criminals, proceedings in case of child, 152.

Her Majesty's inspectors, definition of, 2—circular of education department to, as to approval of time-tables, 318; as to certified efficient schools, 328; as to loans, 58—

Index.

Her Majesty's inspectors—continued.

examinations in matters relating to religion not to be held by, 8—inspection of schools by, 8—instructions of education department to, 527.

Husbandry, exception to prohibition from employment for purposes of, 150—local authority may issue notice exempting from prohibitions from employment for purposes of, 150—local authority to send copies of notice to education department and overseers of parishes, 150—local authority may advertise notice, 150—overseers to fix notice on church doors, 150.

Incorporation, of Charitable Trusts Acts, 23—of Commissioners Clauses Acts, 57, 123—of Lands Clauses Acts, 19, 23—of school boards, 35—of School Sites Acts, 23.

Incorrect return of votes, penalty for making, 28.

Indemnification of members for school boards, 38.

Industrial Schools Act, 1866, powers of, extended to school boards, 198.

Industrial schools, amendment of power of school boards in relation to, 197—appointment of officer to bring children to, 41—classes of children to be sent to, 41—contributions by school boards to, 30—contributions by prison authorities to, 31—enlargement of, school boards may contribute towards, 198—establishment of, 32—guardians may contribute towards maintenance of children in, 199—school boards may borrow for contributions towards, 198; consent necessary, 198; may spread over a number of years, payments for contributions towards, 198.

Ingathering of crops, exception to prohibition from employment for purposes of, 150—local authority may issue notice exempting from prohibition from employment for purposes of, 150—local authority to send copies of notices to education department and overseers of parishes, 150—local authority may advertise notice, 150—overseers to fix notice on church doors, 150.

Injuring notices, penalty for, 129.

Inquiry officers, general order as to monthly payments to, 394.

Inspection, of books of school board by ratepayers, 88—of rate books, overseers to allow, 121; penalty for refusing, 121—of schools, 8—of voluntary schools, 83.

Index.

Inspectors, appointed by secretary of state to enforce provisions as to employment of children in factories, workshops, and mines, 148—circular of education department to, as to withdrawal of children from religious instruction, 8—resolutions of council of education with reference to approval of time tables by, 6.

Inspectors of education department—see H. M.'s Inspectors.

Inspectors of returns, appointment of, 72.

Instruction in religious subjects not to be compulsory, 6—examination not to be held in, 8—not to be given in public elementary school, 13—time when may be given, 6—withdrawal of children from, 6.

Instructions, as to applications for certificates for industrial schools, 452—as to byelaws, 511, 517—as to day industrial schools, 162—in explanation of School Boards' Accounts Order, 1880, 501.

Instructions of education department, as to certified efficient schools, 328—as to transfer of schools, 309—to their inspectors, 527.

Insufficiency of number of members of school board to form a quorum, proceedings of education department in case of, 38.

Interest cannot be paid on money advanced by school board, 40.

Interpretation of terms, 133.

Ireland, Acts not to apply to, 1.

Justice, order for entry on premises where child believed to be illegally employed may be made by, 173.

Land for school-houses, gifts of, 260.

Lands Clauses Consolidation Acts, incorporation of, 19, 23.

Lands, purchase of by school boards, 19; by manager of public elementary school, 23—sale, lease, or exchange of, by school boards, 24—school boards empowered to acquire, 35.

Lease of lands by school boards, 18, 24—of school-houses, 24.

Legal proceedings, 130, 179—appearance in, 132—appearance of school board in, 87—provisions as to, 179—regulations as to, 130.

Licence to a child to live outside certified industrial school, 157—condition of, 157.

Index.

Loan, order as to allowance of school fees by way of, 392—payment of school fees by guardians by way of, 152.

Loans, for contributions by school boards towards industrial schools may be raised, 198—for industrial schools, consent of Secretary of State necessary for, 158—letter of education department to inspectors as to, 58—members appointed by education department, to school boards in default, may not raise, 68—repayment of, by school boards, 58, 123—school board for London may raise, from metropolitan board of works, 60—school boards may raise money for providing offices by, 185; for their expenses by, 57, 122—to be carried to school fund, 53.

Local authorities under Acts, 4, 100—making of byelaws as to attendance at school by, rendered compulsory, 201—duty of education department on failure of, to make byelaws, 201.

Local authority, appointment of officers by, 172—byelaws for school attendance to be made by, 167—failing to fulfil duty, powers of education department in case of, 171—inspectors appointed by Secretary of State to be assisted in enforcing Act by, 148—notice of suspension of restrictions as to employment of children may be issued by, 150—notice to be advertised and copies affixed to church doors, 150; to be furnished to education department and overseers, 150—order for attendance at school of children in certain cases to be applied for by, 152; authority necessary for, 179—order for entry on premises where child illegally employed may be obtained by officer of, 173—payment of officers by, 172—proceedings, as to children liable to be sent to industrial schools to be taken by, 156; as to school attendance, to be authorized by two members of, 179—provisions, of Act to be published by, 148; respecting employment of children to be enforced by, 147—report of infraction of conscience clause in public elementary schools to be made by, 148—returns, as to school accommodation to be made by, 68; as to their proceedings under Acts to be furnished by, 186; of births and deaths to be furnished by registrars to, on requisition, 171; fees may be paid for by, 171—forms of, may be supplied by, 171; school attendance committee constituted a, 148, 176—school board constituted a, 148—suspension of

Index.

Local authority—*continued*.

restrictions as to employment of children for purposes of husbandry by, 150.

Local committees, alteration of number of members of, 195—appointment of, by school attendance committees, 175—application of provisions as to managers to, 195—bye-laws not to be made by, 175—casual vacancies in, 195—continuance in office of, 195—dissolution of, 195—legal proceedings not to be taken by, 175—rules as to, 195.

Local government board, appointment of officers by school attendance committees, subject to consent of, 173—expenses of guardians and their officers incurred under Acts, subject to regulations, &c., of, 178—forms for returns to local authorities of births and deaths, to be approved by, 171—guardians, acting under Acts, subject to powers of, 120, 178—officers of guardians subject to powers of, 178—relief, given in pursuance of acts, subject to powers of, 120, 178.

Local provision for schools, 4.

Local rate, what is, 4, 100—deficiency in school fund to be paid out of, 53—public works loan commissioners may lend money on security of, 124.

London school board, apportionment of amount required to meet deficiency in school fund, 127—salary of chairman of, 46.

Maintenance, of children in industrial schools, guardians may contribute towards, 199—of industrial schools, 32—of schools by school boards, 13.

Management of schools by school boards, 13.

Managers, definition of, 2.

Managers of schools, alteration of constitution of body of, 14—appointment of, 14—management of school may be delegated to body of, 14—proceedings of, 111—purchase of land by, 23—refusing to allow examination or inspection, school not to be considered efficient, 73; to make returns as to school accommodation; school not to be considered efficient, 73—removal of, 14—resignation of, 15—re-transfer of school by school board to, 28—rules to be observed by, 15, 111—transfer of school to school board by 24.



granted by guardians for
this to be a charge upon,

department prescribing

—enforcement of provi-
sion, 148.

of annual parliamentary
acts, 353—as to transfer
of education for out-

come of, 86—of proceed-
ings, 80.

boards, 34—in the metro-

politan department

boards, 18.

general order as to, 394—
of committees, general

boards in borough of,

persons guilty of corrupt
boards from holding,

school district, 35.

at meetings of school

school boards, 28.

boards of education de-

attend school, fine for,

of members of school

attendance order, penalty

of education depart-

Index.

- Mandamus*** to rating authority to obey school board precept, 54, 56.
- Manufactories**, employment of children in, 206.
- Marine schools**, regulation of education department as to certificates of proficiency in, 352.
- Marines' children**, regulation of education department as to certificates of proficiency for, 352.
- Meetings of school boards**, conditions respecting, 109—decisions of questions by, 109—names of members voting to be recorded, 109, 141—quorum at, 109—times for holding, 109.
- Members of school board in metropolis**, alteration in number of, 46—casual vacancies in number of, 108, 140—day for retirement of, 108—election of, 43; rules for, 107—election of chairman of, 45—number of, 43.
- Members of school boards acting when disqualified**, penalty, 39—contracting with school board, penalty for, 39—disqualification of, 39, 105; exceptions to, 39; when not to invalidate proceedings, 36; of persons guilty of corrupt practices at elections from being, 122—election of, by contributory districts, 52—elections of, how to be questioned, 38; defects in, when not to invalidate proceedings, 36; determination of disputes as to, 38; regulations as to, 37, 101, 136—indemnification of, 36—nomination of candidates for election as, 139—number of, 37—place of profit not to be held by, 39—qualification for, 34—relieving officers cannot act as, 34—resignation of, 105—retirement of, 37, 101, 136—teachers who are, cannot be recognized on staff, 34—vacating of office by, 104.
- Metropolis**, definition of, 1—divisions of, 1, 100.
- Metropolis, school board in**, 43—apportionment of expenses of, 46, 127—casual vacancies in, 108, 140—constitution of, 43—election of, 43; boundaries of divisions for, 43; conduct of, 44; day for, 43; returning officer for, 45—rules for, 107; voting at, 44—election of chairman of, 45—enforcement of payment of precepts of, 46—number of members in, 43—public school accommodation to be supplied by, 45—retirement of members of, day for, 108—salary of chairman of, 46.
- Metropolitan board of works** may lend money to school board for London, 60.

Index.

- Metropolitan common poor fund, relief granted by guardians for school fees of children in metropolis to be a charge upon, 182.**
- Metropolitan divisions, order of education department prescribing boundaries of, 262.**
- Mines, employment of children in, 211—enforcement of provisions as to employment of children in, 148.**
- Minute of education department, as to annual parliamentary grants, 98—as to teachers' pensions, 353—as to transfer of schools, 304—fixing standard of education for outdoor pauper children, 363.**
- Minutes, of education department, evidence of, 86—of proceedings of school boards, evidence of, 36.'**
- Mode of voting at elections of school boards, 34—in the metropolis, 44.**
- Model forms of byelaws issued by education department 518.**
- Money prizes not to be given by school boards, 16.**
- Monthly payments, to inquiry officers, general order as to, 394—to officers of school attendance committees, general order as to, 416.**
- Much Wenlock, election of school boards in borough of, 34.**
- Municipal offices, disqualification of persons guilty of corrupt practices at elections of school boards from holding, 122.**
- Name of school board, 35—of united school district, 35.**
- Names of members present or voting at meetings of school boards to be recorded, 141.**
- National society's schools, transfer of, to school boards, 28.**
- Neglect of school boards to act, proceedings of education department in case of, 38.**
- Neglect to cause child in employment to attend school, fine for, 209.**
- Nomination of candidates for election as members of school boards, 139.**
- Non-compliance of parent with school attendance order, penalty for, 153.**
- Non-election of school boards, proceedings of education department in case of, 38.**

Index.

Non-pauper children, order as to allowance of school fees by way of loan to, 392—as to payment of school fees of, 383, 389.

Notice of, audit of accounts of school board, 62—decision of education department as to school accommodation, publication of, 12—deposit of byelaws, form of, 514; publication of, 78—education department where no school board in district, 12—election, to be sent by returning officer to member elected, 104—inspection of voluntary schools, 83—intention of school board to purchase land, publication of, 20; service of, 20—vestry meeting, signature of, 3.

Notices, authentication of, 86—may be in writing or printing, 86—of education department, evidence of, 86—penalty for tearing down, defacing, or injuring, 129—publication of, 85, 128—service of, 85; on school boards, 86.

Nottingham, borough of, constituted a school district, 34.

Number, of attendances at school may be reduced, when, 147—of members of school board, 37.

Objections, to legality of orders or requisitions of education department, period within which they may be made, 87—to transfer of schools, how to be urged, 28.

Obligation to make byelaws as to attendance of children at school, 200.

Obstructing election of school boards, penalty for, 88.

Occupier of factory, may obtain school attendance certificate, 207—payment of schooling of child by, 208.

Offences in respect of school board elections, 88—prosecution of, 130—regulations as to proceedings for, 130.

Officer of bank may be appointed treasurer of school board, 40.

Officers appointed to enforce byelaws, 41—authority required by, for commencing proceedings for non-attendance at school, 179—appointment of, by school boards, 39; mode of, 111—by local authorities, 172—by several school boards jointly, 39—gratuities by school boards to, illegal, 40.

Officers of guardians, duties with respect to notices, 129—expenses of, 129—registrar of births and deaths not officer for purposes of Act, 173.

Officers of local authorities, justices may order, to enter places where children employed, 173—payment of, 172.

Index.

- Officers of school attendance committees, general order as to monthly payments to, 416.
- Officers of school boards, *Quo warranto* against, 40—teachers who are, cannot be recognized on staff of school, 34.
- Offices of London school board, provisions as to, 18, 60, 61.
- Offices, provision of, by school boards, 185—expense of, payable out of school fund, 86—school board may borrow for, 185.
- Order of court for attendance at school, proceedings on disobedience to, 153.
- Order of education department, prescribing boundaries of metropolitan divisions, 262.
- Orders and regulations of education department, schedule of, 135—as to elections, confirmation of, 120—as to united school districts, Act of 1874 declaring validity of, 143—authentication of, 86—evidence of, 86—period within which objections may be made to legality of, 87—under Act of 1876, provisions of Act of 1870 applied to, 186.
- Orders as to, allowance of school fees by way of loan, 392—application to district relief committees for payment of school fees of non-pauper children, 388—monthly payments to inquiry officers, 394—payment of school fees by pay clerks, 389.
- Orders in council, as to certified day industrial schools, 161, 424—as to contributions for fees of children who obtain certificates, 165—byelaws to be sanctioned by, 81.
- Orders of school boards for payment of money, evidence of, 111.
- Orders under Acts, service of, 85; on and by school boards, 86.
- Out-door pauper children, circulars of Local Government Board as to education of, 356—conditions as to continuance of relief for education of, 204—minute of education department fixing standard of education of, 363—orders as to payment of school fees of, 383-389.
- Overseers, copies of accounts of school boards to be sent to, 65—duties as to notices, 129—expenses of, 129—inspection of rate books to be allowed by, 121—notice of exemptions by local authorities from restrictions as to employment for purposes of husbandry to be sent to, 150; to fix notice on church doors, 150—of entire parish to be over-

Index.

Overseers—continued.

seers of part of parish constituted a separate school district, 188—returning officers to be assisted by, 121.

Owners of canal boats may establish schools, 81.

Oxford, provision for election of school board in borough of, 95.

Parent, application to guardians for payment of school fees by, 151—child may be sent to certified day industrial school upon request of local authority and of, 160—contribution to cost of child in day industrial school may be enforced from, 160—definition of, 3—failing to comply with school attendance order, 153—false representation as to age of child for purpose of employment by, 180; penalty for, 181—payment of school fees for, not to subject to disability, 151—relief granted by guardians may be applied directly in payment of school fees instead of to, 183; may be granted by guardians for contributions to cost of child in day industrial school by, 160; may be granted for payment of school fees by pauper, 181—to cause child, to attend school, 75; to receive instruction, 146.

Parish, definition of, 2—dissolution of school board on application of, 184; resolution necessary, 184—part of, constituted a separate school district, deemed a separate parish, 188; levying of rates in, 188; overseers of entire parish overseers of part, 188; situated without a borough, deemed a separate parish, 84—production of rate books by overseers for ascertaining rateable value of, 85—school attendance committee for union may make byelaws as to attendance at school without requisition of, 202.

Parish property, costs of establishing public elementary schools may be defrayed out of sale of, 18.

Parishes, election of school boards in, 34; voting at, 34—regulations as to elections for casual vacancies in, 297—triennial election in, 292—union of, 51; of detached parts of, 125.

Parliamentary elections, use of school-rooms for, 18.

Parliamentary grant, conditions for obtaining, 97, 167; modification of, 166—definition of, 4—education department may pay fees of children who obtain certificates out of, 165, 192—for children sent to certified day industrial schools, 159—on request of parent, 160—for fees of children

Index.

Parliamentary grant—continued.

who obtain certificates, 165; due attendance at school necessary for, 165—recommendations of secretary of state as to grants to certified day industrial schools, 455—schools to be conducted in accordance with provisions for obtaining, 8—special grants to schools in districts with small populations, 166.

Parochial relief, payment of school fees by guardians not to be deemed, 151—remission of school fees not to be deemed, 15.

Pauper children, relief may be granted for education of, 119, 181.

Paupers disqualified from voting at school board elections, 4.

Pay clerks, order as to payment of school fees by, 389.

Payment of contributions, by guardians towards maintenance of child in industrial school, 199—by school boards towards industrial schools, 198.

Payment of school fees, by district relief committees, order as to, 388—by pay clerks, 389—by way of loan, 152.

Payment of school fees by guardians, for non-pauper children, general order as to, 383—389; not to subject parents to disability, 151; powers cannot be delegated to school attendance committee, 151—for pauper children, 181—conditions as to, 182—statement of Local Government Board as to, 182.

Payment of school fees, regulations of education department as to certificates of, 335.

Payments by parents of children sent to certified day industrial schools, regulations as to, 161, 459—regulations of secretary of state as to, 459.

Penalties, agent or workman liable to, for illegal employment of children, 180—exemption of employer from, on proof of guilt of other person, 180—members of school boards holding places of profit under or contracting, &c., with board liable to, 39; exceptions, 39—proceedings for recovery of, 95, 130, 131, 132, 179, 189; subject to direction of two members of local authority, 179.

Penalty for, breach of byelaws, 78; recovery of, 79—corrupt practices at elections of school boards, 88—counterfeiting certificates, 132—defacing, injuring, or tearing down notices, 129—employment of children in contravention

Index.

Penalty—*continued.*

of Act, 147, 202—false information, 132—false representation of age of child for purposes of employment, 180—falsifying or forging voting papers, 88—forging certificates, 132—fraudulently obtaining payment or remission of school fees, 179—hindering inspection of rate books, &c., 88—improper payments of surcharges, 64—incorrect returns, 88—neglecting or refusing to comply with auditor's requisition, 64—non-compliance by parent with school attendance order, 153—obstructing elections of school boards, 88—personation of voters, 88, 91—refusing admission to, or obstructing officer authorized to, enter place of employment, 173—refusing to allow inspection of rate books, &c., 121—unlawful entries in accounts of school boards, 64.

Pensions of teachers, minute of education department as to, 353.

Person, definition of, 2.

Personation, at voting for resolution for application for school board, not an offence under Act, 91, 136—of voters, penalty for, 88, 91.

Place of holding audit of school board accounts, 128.

Plans of schools, rules to be observed in making, 521.

Poll at election of school boards, 101, 121, 139—expenses of taking, 101.

Poor Law Amendment Act, 1876, not to apply to constitution of school districts, when, 188.

Poor rate, certified industrial schools liable to, 159.

Post, service of notices, &c., by, 85.

Powers of school boards in relation to industrial school, amendment of, 197.

Precepts of school boards, evidence of, 111—for payment of money by rating authority, 54—forms of, 111, 112—in metropolis, enforcement of, 46—*mandamus* will issue to enforce, 56—signature of, 111.

Preliminary letter of education department to schools applying for transfer, 306.

Premises occupied as certified industrial school liable to be rated to the poor, 159.

Prepayment of school fees, statement of education department as to, 16.

Index.

- Prison authority, establishment and maintenance, &c., of industrial schools by, 31**—notice, of intention to make contribution, necessary where school board exercises powers of, 126—powers of, with regard to establishing and contributing to cost of certified day industrial school, 159.
- Private property, consent of education department not necessary where school board hire, 18.**
- Prizes, purchase of books by school board for, 18.**
- Proceedings, before court of summary jurisdiction, appearance in, 132; regulations as to, 130**—for contravention of byelaws, may be taken, although contravention constitutes habitual neglect, 203—**for supply of schools, 9**—of guardians, regulations as to, 369–417—of managers appointed by a school board, 111—of school boards, 109, 141; when not to be invalidated, 35, 36—on default by school board, 65—on disobedience to order of court for attendance at school, 153.
- Production of rate books by overseers for purpose of ascertaining rateable value of parish or school district, 85.**
- Proficiency, regulations of education department as to certificates of, 335.**
- Proof of age of child, 132**—of attendance of child, at efficient school, 132; in accordance with byelaws, 132.
- Prosecutions for offences, 130.**
- Prosecutions under Act, not among duties of clerk to guardians, 153.**
- Provisional orders of education department as to compulsory purchase of lands, 21**—confirmation of, by parliament, 22—costs incurred in relation to, 22.
- Public elementary schools, attendance of soldiers' children at, 350**—infraction of conscience clause in, 148; complaint to be made of, 148; report of, 148—order of justices for attendance of child at, 152; proceedings on disobedience to, 153—payment of school fees for children of non-pauper parents, 151; for pauper children, 181—proof of efficiency, 132—purchase of land by managers of, 23—reasonable excuse for attendance at, 152—regulations for conduct of, 5, 13—religious formulary not to be taught in, 13—school provided by school board shall be a, 13—what is, 5—workhouse school not, 153, 188.

Index.

- Public inquiry as to school accommodation, costs of, 74—provisions as to holding of, 73—recovery of costs of, 74—who may apply for, 12.
- Public notice of inspection of voluntary schools, 83.
- Public Parks, Schools, and Museums Act, 1871, 260.
- Public school accommodation, deficiency in, how to be ascertained, 9—public inquiry may be held as to, 10—publication of decision of education department as to, 9—requisition by education department for supply of, 10—supply of, 5; formation of school board for, 10; how, 5, 10; proceedings on default, 11.
- Public works loans board may lend money to school boards for industrial schools, 158—for offices, 185.
- Public works loan commissioners may lend money to school board on security of rates, 57, 123.
- Publication of accounts of school board, 65—of audit of, 62—of notice of audit of accounts of school boards, 62—of notice of exemption for purposes of husbandry from restrictions as to employment of children, 150—of notice of deposit of byelaws, 78—of notices, 85, 128; by overseers and officers of guardians, 129; expenses of, 129, 178—of notices of decisions of education department as to public school accommodation, 9; of final notice as to, 10—of provisions of Act by local authority, 148; by school attendance committee, expenses of, 149.
- Purchase, of books, &c., by school boards for prizes, 18—of lands by managers of public elementary schools, 23; by school boards, 19; otherwise than by agreement, 19, 126.
- Qualification of females for election on school boards, 34—of members of school boards, 34.
- Questioning of election of member of school board, limitation of time for, 122.
- Questions to be answered as to transfer of school to board, 307—form of, 307.
- Quo warranto* as to elections of school boards, 38—against officers of school boards, 40.
- Quorum of managers appointed by school board, 111—of members of school board, 109; proceedings of education department in case of insufficiency for, 38.

Index.

- Rate book, expenses of copying and arranging, 140—production of, by overseers, 85, 121.
- Rateable value, how to be ascertained, 85.
- Ratepayer, audit of accounts of school board may be attended by, 63—definition of, 3—inspection of books, &c., of school board by, 88; penalty for hindering, 88.
- Rating authority, copies of accounts of school boards to be sent to, 65—in contributory district may be required to contribute to expenses of school owning district, 55—*mandamus* will lie to enforce precepts against, 56—payment of amount required to meet deficiency in school fund by, 54; provision of funds for, 54—proceedings on default to pay precept of school board by, 56—who are, 4, 100.
- Reasonable excuses, for non-attendance of children at school, 78—for non-compliance with school attendance order, 152.
- Rebuilding of industrial schools, school boards' powers in relation to, 198.
- Recovery of, money certified by auditor as due, 63—penalties, 95, 130—possession of school premises, 87—school fees paid by guardians by way of loan, 152.
- Reduction in number of attendances at school, when, 147.
- Refusal of school board to act, proceedings of education department in case of, 38.
- Register of attendance for workhouse schools, general order as to, 420.
- Registers to be kept in factories or workshops, 208.
- Registrar of births and deaths, not an officer of the guardians under Act, 173—certificates of births and deaths to be furnished by, 170—returns of births and deaths to be furnished to local authorities by, 171; form of, 171.
- Registration of canal boats, 80.
- Regulations as to, attendance at school of soldiers' and marines' children, 350—certified day industrial schools to be embodied in rules, 452—compulsory purchase of lands, 19—day industrial schools, 162—elections for casual vacancies in school boards in boroughs, 274; in school boards in parishes, 297; in united districts, 302—legal proceed-

Index.

Regulations as to—continued.

ings, 130—proceedings, of guardians, 369–417; of managers appointed by school boards, 111; of school attendance committees, 405–417; of school boards, 36, 109, 141—resolutions as to school boards in parishes, 279; in united districts, 283—triennial elections in boroughs, 265; in parishes, 292; in united districts, 303.

Regulations for conduct of public elementary schools, 5—for management of schools by school boards, 13; neglect by school boards of, 15.

Regulations of education department as to, certificates of age, &c., for children holding honour certificates, 335—certificates of proficiency in marine schools, 352—teachers in district or workhouse schools, 366.

Regulations of secretary of state as to payments by parents of children sent to certified day industrial schools, 161, 459.

Relief granted, by guardians may be applied directly in payment of school fees, 183—in respect of children attending school, conditions of continuance of, 204.

may be given by guardians, for education of non-pauper children, 151; parent not to incur disability through, 151—for education of pauper children, 114, 181; conditions as to, 182.

Relieving officers disqualified from acting as members of school board, 34.

Religion, scholars not to be examined in matters relating to, 8.

Religious formulary, attendance at, not to be compulsory, 6; in voluntary schools, 84—examination may be held in, in voluntary schools, 83—not to be taught in public elementary schools, 13—times during which, may be practised or taught, 6; in voluntary schools, 83—withdrawal of child from, 6; in voluntary schools, 84.

Religious instruction, circular of education department to inspectors as to, 8—secular instruction may be given at same time to children withdrawn from, 6—time for, to be fixed by school board or managers, 6.

Religious worship or observance, attendance at, not to be compulsory, 6.

Index.

- Remedy of school board on default of rating authority, 56.
- Remission of school fees, 15—not to be deemed parochial relief, 16.
- Removal of managers appointed by school board, 14—of officers of school boards, 39.
- Remuneration of auditors, 62.
- Repayment of school board loans, 58, 123.
- Repeal of Denison's Act, 114.
- Repealing clauses, 134, 190, 204.
- Report of education department to be laid before parliament every year, 99—of local authority of infraction of conscience clause, 148—of school board to education department, 96.
- Requisition for, copy certificate of birth, general order prescribing form of, 367—dissolution of school board, 184—provision of schools by school boards, education department may issue, 10—returns as to births and deaths by local authority, 171.
- Requisition of parish, school attendance committee may make byelaws as to attendance of children at school without, 202.
- Resignation, of managers appointed by school board, 15—of members of school boards, 105; proceedings of education department in case of, 38.
- Resolutions for applications for school board, Ballot Act, 1872, not applied to voting on, 12—personation of voter at, not an offence under Act, 91, 136—rules respecting, 106.
- of council on education as to time tables, 6.
- Retirement of members of school boards, 37, 104; rules respecting, 101—in metropolis, day for, 108.
- Re-transfer of school by school board to managers, 28.
- Returning officer, taxation of bill of costs of, 101.
- Returning officer in metropolis, 45.
- Returns as to births and deaths, duty of registrar to furnish to local authority, 171—expenses of, 171—form for, 171.
- Returns as to public school accommodation, 9, 68—appointment by education department of persons to make, 71, 128—appointment of inspectors of, 72—by whom to be made, 71.

Index.

- Returns as to public school accommodation—continued.**
proceedings on default of local authority to make, 72—on refusal or neglect of managers or teachers to fill up forms for, 73.
- Returns of votes given at school board election, penalty for incorrect, 88.**
- Returns to be furnished by local authority to education department, 186.**
- Right of member of school board to act, education department may inquire into question as to, 38.**
- Right over land, power of school board to purchase or lease, 18.**
- Rules of certified industrial schools not to provide for separate confinement of children, 33.**
- Rules of education department as to, certified efficient schools, 330—election and retirement of members of school boards, 101, 136; substitution as to, 120—election of school board in metropolis, 107, 140—local committees, 195—proceedings to be observed by school boards, 36—resolutions for applications for school boards, 106—school attendance committees, 195.**
- Rules to be observed in planning and fitting up schools, 521.**
- Salaries of officers of school boards, 39.**
- Salary of chairman of school board for London, 46.**
- Sale, of land by school board, 24—of parish property, costs of establishing public elementary school may be defrayed out of, 18—of school houses by school boards, 24.**
- School accommodation, default of school board to provide sufficient, 17—maintenance by school boards of sufficient, 17—powers of education department in case of insufficiency of, 10—powers of school boards for supplying, 17—proceedings of education department where no school board exists, 12—public inquiry as to, 9, 72; proceedings for holding, 73; costs of, 74—publication of decision of education department as to, 9; final notice of education department as to, 10—refusal to allow inspection of, 73.**
- returns as to, 9, 68—mode of obtaining, 69—forms for, 69—inquiry by inspectors of education department into accuracy of, 72—local authority to make, 71—proceed-**

Index.

School accommodation—continued.

ings on default of authority to make, 72—refusal to fill up forms for, 73.

school board in metropolis to supply sufficient, 143.

School attendance, 318—for purposes of, employment, 191; payment of fees, 192; parliamentary grant, 165—regulation of education department as to certificates of, 335.

School attendance certificate, occupier of factory may obtain, 207.

School attendance committees, accounts of, circular of education department as to, 412, 413—alteration in number of members of, 175.

appointment of, by education department on default of school board, 171—in boroughs, 148—in parishes, 148—in urban sanitary districts, 176; time for, 195.

byelaws as to attendance of children at school to be made by, 167, 202—circular of education department as to, 516—enforcement of, 167, 176—instructions as to, 517—model form issued by education department for, 518.

casual vacancies in, 195—clerk to guardians to act as clerk to, when, 177—duties of, circular of education department as to, 403—constituted a local authority, 148, 176 expenses of, circular of education department as to, 412, 413—enforcement of contributions for, 174—in urban sanitary districts, 176—payment of, 174, 178—subject to consent, 173.

general order, as to monthly payments to officers of, 416—regulating proceedings of, 405, 411.

local committees, appointment of, by, 175—alteration of numbers of, 195—casual vacancies in, 195—constitution of, 175—continuance in office of, 195—dissolution of, 195—provisions as to managers applied to, 195—rules as to, 195.

powers of guardians for payment of school fees cannot be exercised by, 151—publication of provisions of Act by, expenses of, 149.

School attendance order, child may be sent to industrial school on non-compliance with, 154—complaints on continuing non-compliance with, 154—penalty for non-compliance without reasonable excuse, 153—reasonable excuse for

Index.

School attendance order—*continued.*

non-compliance with, 152—when local authority to apply for, 152—when order may be made, 152.

School board accounts order, 1880, 469—circular of local government board as to, 467—instructions in explanation of, 501.

School board, accounts of, 61—audit of, 61, 127—circulars of local government board as to, 460, 462—chairman to sign, 127—circulars of local government board as to, 465, 467—examination of, 127—general order as to, 469—instructions in explanation of, 501—making up of, 127—publication of, 65—regulations of local government board as to, 128.

School board, appearance of, in legal proceedings, 87—appointment of managers of schools by, 14—appointment of officers of, 39—borrowing powers of, 57, 122—borrowing powers of, for industrial schools, 158—building of schools by, rights under Lands Clauses Acts with regard to, 19—byelaws of, form of declaration of deposit of, 515; of notice of deposit of, 514; instructions of education department as to, 511; model form issued by education department for, 512—ceasing to exist, proceedings of education department in case of, 38—change of site of school by, 17—combination of, more than one, 53—constituted a local authority, 148—constitution of, 34, 35—contributions to industrial schools by, 30; may be spread over a number of years by, 198; loans may be raised for, 198—deductions from weekly fees may be allowed by, 16—default by, proceedings on, 65—deficiency in school fund, to be raised out of rates, 54—discontinuance of school by, 17—disqualification of members of, 39; not to vitiate proceedings of, 36; penalty for acting when disqualified, 39—dissolution of, 68. election of, 37—Ballot Act, 1872, applied to, 139—confirmation of orders as to, 121—corrupt practices, at, 92, 122; disqualification of persons guilty of, 122—defect in, not to vitiate proceedings of board, 36—determination of dispute as to, 38—expenses incidental to, 136–139—in boroughs and parishes, 34—in metropolis, rules respecting, 107, 140—pauper not to vote at, 4—penalties for offences connected with, 88—requisition for holding, 37—rules respecting, 37, 101, 136, 198—substitution of rules as to, 121—time within which may

Index.

School board—*continued.*

- be questioned, 122—voting at, 34—numbers may be required to be used in filling up voting papers, 139.
- establishment of industrial schools by, 32; of free schools by 29—evidence of proceedings of, 36—exchange of lands or schoolhouses by, 24—expenses of, provisions as to, 173—expenses of members of board in default, 67—failure to perform duty, under Act, provision in case of, 171—fees, for non-pauper children may be paid by, 151; for pauper children may be paid by, 181—formation of, 5; on default to provide schools, 10; without inquiry on application, 11—forms for returns for attendances at schools to be supplied by, 129—gifts for educational purposes may be accepted by, 125—gratuities to officers of, illegal, 40—incorporation of, 35; to have a common seal, 35—indemnification of members of, 36—information to be supplied to education department by, 96—inspection of books, &c., of, by ratepayers, 88—lands may be acquired by, 35—leasing of lands or schoolhouses by, 24—loans cannot be raised by, for current expenses, 53, 123—maintenance of schools by, 13, 17—management of schools by, 13—money prizes not to be given by, 16—name of, 35—nomination of candidates for election as members of, 139—non-election of, proceedings of education department in case of, 37—notice where exercising powers of prison authority, 126—number of members of, 37—offices may be provided by, 185; consent of education department necessary, 185—personation of voter at resolutions for applications for, not an offence under Act, 91, 136.
- powers of, in relation to industrial schools, amendment of, 197—under Industrial Schools Act, 1866, extended to, 198—provision as to, 173.
- precepts on rating authority may be made by, 54—enforcement of, by mandamus, 56—remedy in default of payment of, 56.
- proceedings of, 36, 109, 141; not to be invalidated by vacancies in, 35; rules as to, 109, 141—proceedings of education department on contravention or neglect of regulations by, 15, 17; on failure to perform duty by, 17—proceedings of managers appointed by, 111—

Index.

School board—*continued.*

prosecutions for non-attendance to be authorized by two members of, 179—provision of industrial schools by, 158; of schools by, 17—purchase of sites for schools by, 19—regulations as to purchase of land compulsorily by, 19—relieving officer cannot act as member of, 34—repayment of loans by, 123—reports to education department by, 96—resignation of members of, 105—retirement of members of, rules as to, 101—re-transfer of schools to managers by, 28—returns to education department by, 96—rules, for election and retirement of members of, 101, 136, 196; for resolutions for applications for, 106—sale of land or schoolhouse by, 24—sufficient school accommodation to be provided by, 17—transfer of school by managers to, 24—transfer of schools to, 24; circular of education department as to, 304; minute as to, 304; order as to, 304—when to be deemed school board in default, 11, 15, 17, 38—who are, 4, 100.

School board in metropolis, apportionment of school expenses by, 46, 127—boundaries of divisions for election of, 43, 100—constitution of, 43—election of, 43, 44; day for, 43; of chairman of, 45; rules for, 107; to fill casual vacancies, 140; voting at, 44—number of members of, 43; alteration of, 46; number to be elected by each division, 43—precepts for payment of money by rating authorities may be made by, 46; enforcement of precepts of, 46—requisition of education department for supply of school accommodation by, 45—retirement of members of, 108 returning officers for first election of, 45—salary of chairman of, 46—school accommodation to be supplied by, 45.

School board in Oxford, provision as to election of, 95.

School board in united school district, 125—provision as to election of, 50.

School board of district included in term managers, 2.

School district, borough of Nottingham constituted a, 34—bye-laws to be made forthwith where none in, 200—what is, 4.

School districts, combination of school boards in, 53—constitution of school boards in united districts, 50—dissolution of united districts, 48; evidence of, 49—election of members in contributory districts, 52—election of school boards

Index.

School districts—continued.

in united districts, 50—may be made contributory, 51; public inquiry as to, 52—Poor Law Amendment Act, 1876, not to apply to constitution of, when, 188—production of ratebooks, &c., by overseers for ascertaining rateable value of, 85—public inquiry as to, 49—publication of notices as to contributory districts, 52—small parishes in united districts, 51—union of, 47; arrangements on, 50; conditions of, 48; evidence of, 49; public inquiry as to, 49—united school districts to be deemed, 47—what are, 4, 100.

School endowments, application of, when small, 81—scheme to be submitted to education department, 81.

School fees, byelaws not to provide for payment or remission of, 168.

for pauper children, payment by guardians of, 115, 181; not to be a condition of child attending a particular school, 182—mode of charging money paid by guardians for, 178—of children who obtain certificates, contributions from parliamentary grant for, 165, 192.

of non-pauper children, applications for payment of must be made to guardians, 152—general orders as to, 383, 384—guardians cannot delegate powers for payment of, to school attendance committee, 151—order as to allowance of, by way of loan, 392—order as to applications to district relief committees for payment of, 388—order as to payment by pay clerks of, 389—payment by guardians of, 151.

paid quarterly in advance, reasonable reduction may be allowed from, 16—parent not to incur disability by payment by guardians for, 151—payment of, by guardians by way of loan, 152; recovery of, 152—payment of, byelaws not to provide for, 168; penalty for fraudulently obtaining, 179; prepayment of, statement of education department as to, 16—relief granted by guardians may be applied directly in payment of, 183—remission of, byelaws not to provide for, 168; penalty for fraudulently obtaining, 179—statement of local government board with regard to payment by guardians of, 182.

School fund, apportionment of, to united and contributory districts, 55—deficiency in, how to be raised, 54—expenses of

Index.

School fund—*continued.*

members of school board in default to be paid out of, 67—
expenses of providing offices for school boards payable out
of, 86—expenses of school board to be paid out of, 53—
public works loan commissioners may lend money on
security of, 124—receipts which are to be carried to, 53.

School premises, recovery of possession of, 87, 222.

School registers and method of keeping them, circular of educa-
tion department as to, 324.

School Sites Acts, citation of, 113—incorporation of, 23.

School Sites Acts, 1841-1851, 214-231.

School teachers, tenure of office of, 87.

Schoolhouse, definition of, 3—gifts of lands for, 260—lease or
sale of, 24.

Schoolmaster not to acquire life interest in lands by virtue of
his appointment, 222—recovery of possession of premises
held by, 87, 222—tenure of office of, 87.

Schoolmistress, recovery of possession of premises held by, 87
222—tenure of office of, 87.

Schoolrooms, use of for parliamentary elections, 18.

Schools, attendance of children at, 74; byelaws as to, 74; enforce-
ment of byelaws, 41; making of byelaws as to, rendered
compulsory, 200—canal companies may establish, 81—
certificated teacher to have charge of, 8—change of site
of, 17—conditions upon which annual parliamentary
grants may be made to, 97; parliamentary grants may
be made to, 96—conduct of, to be in accordance with
conditions for obtaining annual parliamentary grant, 8;
regulations for, 5—deficiency in supply of, proceedings in
case of, 5; determination by education department as to,
9—discontinuance of, 17—examinations in matters
relating to religion not to be held by inspectors in, 8—
inspection of, 8—local provision for, 4—maintenance of,
by school boards, 13, 17—management of, by school
boards, 13—owners of canal boats may establish, 81—
provision of, powers of school boards for, 17—reduction
of number of attendances at, when, 147—religious in-
struction not to be compulsory in, 6; times for, 6—
requisition of education department to school board to
provide, 10; proceedings on default of school board to
comply with, 11—rules to be observed in planning and

Index.

Schools—continued.

fitting up, 521—school district to have sufficient, 5—supply of, 5; proceedings for, 9—transfer of, to school boards, 304; by managers to school board, 24; re-transfer of, 28—withdrawal of child from religious instruction in, 6.

Scotland, application of Acts to, 1, 145, 190.

Seal, school boards to have a common, 35.

Secretary of state, certifying of day industrial school by, 159—conditions on which grants may be made to certified day industrial schools to be prescribed by, 159, 165—consent of, to contributions by school boards towards industrial schools, 198—contribution to be made by parent of child received into certified industrial school to be fixed by, 160—definition of, 188—establishment, &c., of certified industrial schools subject to consent of, 158—recommendations as to parliamentary grants to certified day industrial schools by, 455—regulations of, as to payments by parents of children sent to certified day industrial schools, 161, 459—revocation of forms of orders for sending children to day industrial schools by, 161; of manner of sending, 161—rules of certified day industrial schools to be approved by, 159—withdrawal of certificate from day industrial school by, 161.

Separate confinement, rules of certified industrial school not to provide for, 33.

Separate schools, any number of sites may be granted for, 218.

Service of notices, 85.

Sinking fund for payment of school board loans, 123.

Sites of schools, change of, 17—purchase of, 18.

Small parishes, union of, for school purposes, 51.

Small school endowments, application of, 81.

Soldiers' children, general order as to attendance at public elementary schools of, 350.

Stamp duty, certificates of birth not liable to, 170—on appointments by school boards, 40.

Standard of education for out-door pauper children, minute of education department fixing, 363.

Substitution of regulations as to proceedings of school boards, 129.

Summary Jurisdiction Acts, interpretation of, 133.

Index.

Summary jurisdiction, constitution of court of, 130—production of child before court of, 131—regulations as to legal proceedings before court of, 130.

Sunday school, attendance at, not to be compulsory, 6.

Supply, of school accommodation by school boards in metropolis, 45—of schools for districts, 5; proceedings for, 9.

Surcharges by auditors, appeals against, 253.

Taxation of bill of costs of returning officer, 101.

Teachers, appointment of, by school board, 39—cannot be recognized on staff of school, if members or officers of a school board, 34—circular of education department as to certificates for, 364—definition of, 3—refusal or neglect by, to allow inspection of school or examination of scholars or school books, &c., 73; to fill up returns, 73—regulations of education department as to, 366—tenure of office of, 87.

Teachers' pensions, minute of education department as to, 353.

Tearing down notices, penalty for, 129.

Time-table as to religious instruction, 6—circular of education department to inspectors as to approval of, 318—complaints as to, 7—minute relating to approval of, 7—resolutions of council on education with reference to, 6.

Time, for religious instruction, school board or managers to fix, 6—within which election of school board may be questioned, 122.

Transfer of elementary schools, resolution of education department with regard to application for, 25.

Transfer of national society's schools to school boards, 28.

Transfer of schools to school boards, 304—by managers to school boards, 24—by school boards to managers, 28—circular of education department as to, 304—form of, 314; of questions to be answered as to, 307—funds of charity schools not to be applied to general purposes on, 26—instructions of education department as to, 309—minute of education department as to, 304—preliminary letter of education department to schools applying for, 306.

Treasurer of school board, appointment of, 39—interest cannot be charged on money advanced to school board by, 40.

Treating at elections of school boards, penalty for, 94.

Index.

Triennial elections in boroughs, regulations as to, 265—in parishes, regulations as to, 292—in united district, regulations as to, 303.

Undue influence at elections of school boards, penalty for, 92.

Unions, interpretation of, 133.

Union school attendance committee, circular of education department to, as to byelaws, 516—instructions of education department to, as to byelaws, 517—model form of byelaws issued by education department to, 518.

United districts, regulations as to elections in school boards in, 302—triennial elections in, 303.

United school district, name of, 35.

Vacancies in school board, not to invalidate proceedings, 35.

Vacating of office by member of school board, 105.

Validity of orders of education department as to united school districts, 143.

Valuation lists, overseers to produce, 85.

Vestry, definition of, 3.

Vestry meeting, signature of notice of, 3.

Vice-chairman, appointment by school board of, 110.

Voters may be required to use numbers in filling up ballot papers, 139—personation of, penalty for, 88, 91; at resolution for application for school board, not an offence under Act, 91, 136.

Voting at elections of school boards, 34—in the metropolis, 44—by ballot at elections of school boards, 139.

Voting papers, numbers may be required to be used in filling up, 139—penalty for forging or falsifying, 88.

Voluntary schools, inspection of, 83—notice of, 83—religious observance may be practised during, 83—withdrawal of child from religious observance, 84.

Weekly fees, school board may allow reasonable deduction from, 16.

Withdrawal of children from religious observances or instruction in board schools, 6—in voluntary schools, 84—circular of education department to inspector as to, 8—secular instruction may be given at time of, 6.

Index.

Workhouse, conditions of continuance of relief out of, in respect of children attending school, 204.

Workhouse schools, circular of education department as to certificates to teachers in, 364—general order as to register of attendance for, 420 ; prescribing attendance as regards, 418—not a public elementary school, 153, 188—proceedings cannot be taken under Act, where children attending, 153, 188—regulations of education department as to teachers in, 366.

Workshops, attendance at school of children employed in, 206—employment and education of children in, 149, 206-210 ; byelaws not to require child to attend school contrary to Acts regulating, 76 ; enforcement of provisions of Acts as to, 147—occupiers of, may obtain school attendance certificates, 207—registers to be kept in, 208.



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257	Handbill for distribution containing abstract of Act		
	<i>per 100</i>	1	0
258	Five Minutes' Explanation to Parents as to what the Law requires with respect to the education of their Children, for gratuitous circulation by Local Authority (Sec. 7) - - - - -		
	<i>per 1000</i>	50	0

INQUIRY OFFICERS' BOOKS.

252	School Fees Application and Report Book, Order of March 22, 1877, Sched A. No. 1 - - - -	1	quire	10	0
	" " - - - - - 2 " "	12	0		
254	Receipt and Payment Book, Sched A. No. 3 - 1 " "	8	0		
	" " - - - - - 2 " "	10	0		
254a	Note Book - - - - -	3	6		

ATTENDANCE OFFICERS' BOOKS.

No.		a.	d.
277	Attendance Officers' Record of Proceedings - -	10	0
278	" " Note Book, to take while visiting -	3	6
285	Census Register - - - - -	7	6
285a	Census Note Book - - - - -	3	6

FORMS FOR LOCAL COMMITTEES.

Minute Book, same sorts and sizes as Minute Books No. 250.

287	Circular to Members of Local Committees	-	-	-	} <i>per quire.</i> 3 0
288	Local Secretary's Report of Absences	-	-	-	
289	Complaint to Parent with Excuse Slip attached	-	-	-	
290	Second Warning to Parent	-	-	-	
291	Memorandum respecting Children to whose Parents a Second Warning has been issued	-	-	-	
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306	Child's School Book, as prescribed by the Education Department	-	-	-	50 1 0
	" "	-	-	-	<i>per 1000</i> 15 0
255	Certificate of Proficiency (Sec. 5)	-	-	-	<i>per book</i> 2 6
259	Report of Local Authority of Infraction of Elementary Education Act, 1870 (Sec. 7)	-	-	-	<i>per quire</i> 3 0
260	Notice exempting Children above 8 years of age from Prohibitions of Act; for the necessary operations of husbandry, &c. (Sec. 9)	-	-	-	<i>per 100</i> 8 0
261	Application of Parents to Guardians to pay School Fees (Sec. 10)	-	-	-	<i>per quire</i> 3 0
262	Request to Employer to supply information as to earnings of Applicant	-	-	-	3 0
	Notice A. and B.	-	-	-	<i>each</i> 2 6
263	Notice to Applicant declining to pay School Fees				<i>per quire</i> 3 0
264	Notice to Applicant agreeing to pay School Fees				" 3 0

No.		s.	d.
265	Notice to School Manager that Guardians consent to pay Fees, in book, with Counterpart - - <i>per book</i>	4	0
265a	Notice to Employer of illegal employment of child (half-sheet foolscap) - - - - -	4	0
265b	„ (8 vo.) - - - - -	3	6
266	Quarterly Account from Schoolmaster to Guardians <i>per quire</i>	3	0
266*	Quarterly Account. Another sort - - - - - 24 for	4	0
266a	Preliminary Remonstrance as to non-education in book of 50 each - - - - -	4	6
267	Warning to Parent neglecting to provide Elementary Education for his Child (Sec. 11) - - - <i>per 100</i>	8	0
267a	Warning to Parent - - - - - in books	4	6
267b	Warning to Parent. Another and smaller sort - - -	3	6
268	License to reside out of Industrial School (Sec. 14) in books	4	0
269	Request of Local Authority to the Managers of Certified Industrial School to receive Child, with agreement of Parent to pay towards its Industrial Training (Sec. 18) - - - - - <i>per quire</i>	3	0
294	Return by Schools to School Board. (Sect. 22 of 36 & 37 Vict. c. 86) - - - - - „	4	0
294a	Returns by School Managers to Local Authority „	4	0
272	Requisition to Registrar as to age of Child (Sec. 25) <i>per 100</i>	4	0
273	Return of Births from Registrar to Local Authority (Sec. 26) - - - - - „	4	0
274	„ Deaths - - - - - „	4	0
	Portfolios for keeping Returns (foolscap) - - -	3	6
275	Application by Urban Sanitary Authority to Education Department for power to appoint a School Attendance Committee (See 33) - - - - - <i>per quire</i>	3	0
275a	Notice of non-attendance to School Attendance Committee - - - - - in books of 50	2	6
276	Direction to Officer to take Legal Proceedings for Non-attendance. &c., to be signed by Two Members of School Attendance Committee or Local Authority (Sec. 38) - - - - - <i>per quire</i>	3	0
284	Notice convening Meeting, with Agenda- - - „	1	6

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List of Books and Forms—continued.

Schedule E.

No. 8.	"School Fees Account," (Schoolmaster). Foolscap folio, superfine paper, half-bound	8	0
	Ditto, smaller size	6	0
No. 9a.	"School Fees Account," (Schoolmistress) ditto, ditto	8	0
	Ditto, smaller size	6	0
No. 10.	"Sales Account." Foolscap folio, superfine paper, half-bound	8	0
	Ditto, smaller size	6	0
No. 11.	"Stock and Stores Account." Foolscap folio, superfine paper, half-bound	8	0
	Ditto, smaller size	6	0
No. 11a.	Ditto, ditto, Schoolmistress'	8	0
	Ditto, smaller size	6	0
No. 12.	"Notice of Audit" per quire	1	0
No. 13.	"Form of Precept," for <i>Parishes</i> , under Sched. 3, Education Act, in Books of 50, with duplicate Copy ...	4	6
No. 13a.	Ditto ditto, for <i>Boroughs</i> , in Books of 50	4	6
No. 14.	"Notice of Deposit of Bye-Laws," for Church Doors, under ss. 74 and 80 Education Act ... per quire	1	0
	"Regulations" to be hung up in Elementary Schools under Section 7 of the Act each	0	3
	Ditto mounted on Boards each	1	6

Required under the Revised Code for Schools and Schoolmasters.

"The School Diary or Log Book," containing 500 ruled pages, strongly bound in calf, with index	16	0
Ditto, half-bound, post quarto	7	0
"Class Registers," with Standards and Instructions from Code; a complete record of Government Returns as contained in Form IX., for 72 names, 6d.; for 108, 1s.; for 144, 1s. 6d.; for 216	2	0
"Register of Admission, Progress, and Withdrawal," for 500 names, 3s.; 1000, 4s.; 2000, 6s.; 3000	7	6
"Register of Summaries" for 5 Years, for 186, 2s. 6d.; 336, 5s.; and 520 Pupils	7	6
"Schoolmaster's Registry of Fees," for Weekly, Monthly, or Quarterly, 2s. 6d., 5s., and	7	6
Time Table Forms," for 5 and 8 Classes, mounted on strong board for hanging up, 1s. and		

List of Books and Forms—contin

Other Books, Forms, &c., required by School Bo

Register of Mortgages	...	...	...	...	1 q
Ditto ditto	...	...	...	...	2
Treasurer's Pass Book	...	...	...	...	...
Cheques on Treasurer, on Tinted Writing Paper, in Books of perforated	...	...	...	...	...
Ditto, ditto, with Name of School Board, Treasurer, &c. printed Specimens and Prices on application.	...	...	...	...	...
Letter Copying Books, fine and superfine paper, half-bound, pag indexed, and lettered. Quarto medium or foolscap.	...	...	...	...	...
Quarto Letter Book, 500 leaves, half-bound, paged, and indexed	...	...	...	...	7
Ditto 1000 leaves ditto ditto	...	...	...	...	10
Foolscap ditto, 500 leaves ditto ditto	...	...	...	...	10
Ditto 1000 leaves ditto ditto	...	...	...	...	13
Quarto Copying Press, 32s. 6d. & 52s. 6d.; with Brass Balls	...	...	...	...	65
Foolscap Copying Press, 52s. 6d. & 72s. 6d.; with Brass Balls	...	...	...	...	81

These are well made Presses, at exceedingly moderate prices.

Compulsory Proceedings.

- No. 18b. Census Register for taking Census of Children, show number of Children between the ages of 3 and 16, and Books for 2000 entries, half-bound ...
- No. 15b. Return of Irregular and Absentee Children.
Notice (A) to cause Child to attend within 7 days.
Notice (B) to Parent of breach of Bye-Laws, and to sh cause why he should not be Summoned.
- No. 16. "Register of Proceedings," for non-attendance...
- No. 17. "Information," for non-attendance at School per qd
- No. 17a. "Summons," " " " "
- No. 17aa. Order for Child to attend School ...
- No. 17b. "Conviction," for non-attendance at School per qd
- No. 17c. Appointment of Officer to enforce Attendance at Sch
- No. 17d. Order sending Child to Industrial School ..
- No. 18. Certificate Sheets, containing List of Scholars present to Inspector for total or partial exemption fr attendance at School ... per qd
- No. 18a. Scholars' Certificate for exemption, books of

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